

THE POLITICAL HISTORY OF ENGLAND

Seventy-five years have passed since Lingard completed his *HISTORY OF ENGLAND*, which ends with the Revolution of 1688. During that period historical study has made a great advance. Year after year the mass of materials for a new *History of England* has increased; new lights have been thrown on events and characters, and old errors have been corrected. Many notable works have been written on various periods of our history; some of them at such length as to appeal almost exclusively to professed historical students. It is believed that the time has come when the advance which has been made in the knowledge of English history as a whole should be laid before the public in a single work of fairly adequate size. Such a book should be founded on independent thought and research, but should at the same time be written with a full knowledge of the works of the best modern historians and with a desire to take advantage of their teaching whenever it appears sound.

The next number of authorities, printed and in manuscript, on which a *History of England* should be based, if it is to represent the existing state of knowledge, renders co-operation almost necessary and certainly advisable. The *History*, of which this volume is an instalment, is an attempt to set forth in a readable form the results of present attainment by research. It will consist of twelve volumes by twelve different writers, each

of them chosen as being specially capable of dealing with the period which he undertakes, and the editors, while leaving to each author as free a hand as possible, hope to insure a general similarity in method of treatment, so that the twelve volumes may in their contents, as well as in their outward appearance, form one History.

As its title imports, this History will primarily deal with politics, with the History of England and, after the date of the union with Scotland, Great Britain as a state or body politic; but as the life of a nation is complex, and its condition at any given time cannot be understood without taking into account the various forces acting upon it, notices of religious matters and of intellectual, social, and economic progress will also find place in these volumes. The footnotes will, so far as is possible, be confined to references to authorities, and references will not be appended to statements which appear to be matters of common knowledge and do not call for support. Each volume will have an Appendix giving some account of the chief authorities, original and secondary, which the author has used. This account will be compiled with a view of helping students rather than of making long lists of books without any notes as to their contents or value. That the History will have faults both of its own and such as will always in some measure attend co-operative work, must be expected, but no pains have been spared to make it, so far as may be, not wholly unworthy of the greatness of its subject.

Each volume, while forming part of a complete History, will also in itself be a separate and complete book, will be sold separately, and will have its own index, and two or more maps.

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The Political History of England

IN TWELVE VOLUMES

EDITED BY WILLIAM HUNT, D.Litt., and
EDGEMOND L. POOLE, M.A.

VII

THE HISTORY OF ENGLAND FROM THE ACCESSION OF JAMES I. TO THE RESTORATION 1603-1660

THE HISTORY OF ENGLAND

FROM THE ACCENSION OF JAMES I. TO
THE RESTORATION

(1603-1660)

BY

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CHAPTER I.

THE RECOVERY OF THE KINGDOM OF JAMES I.

ELIZABETH left to her successor a kingdom in most respects CHAP
I. unlike that which she had received from Mary. The English people had passed through the great religious crisis and had qualified its popular religion against all attacks from within or without. It had waged successful war against the mightiest of European kings. It had recruited its industry with thousands of the most skilled artisans of the continent and had carried its commerce to the extremities of the earth. It had gained by the decline of Italy, Germany, and Flanders, and had only one rival in enterprise, the new republic of the United Netherlands. The common people enjoyed more abundance and lighter taxation than in any other country of equal extent. The nobility and gentry displayed a magnificence in their residences, dress, and entertainments surpassing all that had yet been known in England. Elizabeth had effected, although at a fearful cost in human misery, the thorough subjection of Ireland. The new monarch united Scotland with its ancient rival. The British Isles at length formed a single great monarchy, defended by the sea against all attack from without. The two most vigorous continental states, France under Henry IV. and the Dutch republic, were allies of the English crown. Holding the balance of Europe, England had all the consequences thereof that reasonable Englishmen could wish. At home everything seemed to promise a long period of quiet.

James VI. of Scotland was in his thirty-seventh year at the death of Elizabeth. As his mother had been deposed a few months after his birth, his reign was nearly co-equal with his

life, and at the age of eighteen he became sovereign as far as well as in name. He married in 1589 Anne, daughter of Frederick II. of Denmark. He had naturally formed two objects. The first was to make himself absolute in Scotland. By balancing the Catholics against the Protestants, and the nobles against the nobles, he had managed at least so far that he was more nearly master than any of his predecessors. The second object was to reach his mother in England when Elizabeth should die. For this he had by turns supported Elizabeth and intrigued with her enemies, the Pope and the King of Spain. For this he had given himself at one time reason as the Protestant cause, at another time as of Catholic argument. In order to further the same ambition he had tried to lessen the difference between the Scottish and the English Churches. Although he must be said to have approved himself a great king, he had displayed wisdom and energy enough to justify the opinion that he would be successful in ruling England, and that the single power which he received from the last Tudor would not be impaired under his government. It proved otherwise. Throughout the reign of James, partly in consequence of his own failings, partly through the change in political conditions, the strength and the majesty of the crown were always dwindling.

The character of James is difficult to trace. He combined some respectable qualities with many grotesque follies. He was on the whole a well-meaning ruler who desired to use his power for the good of his subjects. He was not a man of blood; he strove to preserve peace; he seldom knowingly persecuted justice. Although he had no grasp on the principle of toleration, he was not naturally a persecutor, but inclined to overlook differences of opinion so long as his prerogative was not questioned. On the other hand, he was violent, weak, and stubborn. Like most men who are vain of their wisdom and jealous of their authority, he was easily led by all who knew how to flatter and govern him. He was not sensitive to harsh claims, but any youth who was merely and gradually might hope to reap his sceptre. The extreme poverty of the crown of Scotland, instead of teaching him thrift, had led him to regard England as a country of inexhaustible riches where economy would be needless. Worst of all James was lacking in the kingly virtues of self-respect and courage. As he had never

knows his mother and had been made long by her enemies, he could not have been expected to feel much for her, but his relations with Elizabeth at the time of her trial are disgusting in their minuteness. Some of his utterances to the privy council and to Gordonstoun are almost revolting in their slight want of dignity. His weakness took away some of the merit and much of the honour due to his love of peace. His grotesque appearance, his rickety walk, his rolling eyes, his shape too large for his mouth, although more outward blindness, gave a peculiar emphasis to all that was unkingly and womanly in his character.

His natural abilities have sometimes been unduly despised. His mind, just acute and argumentative. He was keen to see, and laconic in expressing, the weakness of an adversary's position. He had a ready command of speech, sometimes rising into eloquence. His speech in Scotland proves that his talent was not merely literary, and that he was a shrewd and successful politician. But, whatever his abilities may have been, he could not intend to grow when he came to England, and the experience which he had gained in Scotland was almost a hindrance than a help to his government. He remained to the last a foreigner who never really understood the English character or English institutions. This would have mattered less had he entered himself to sagacious Englishmen who might govern in his name. But James was of all persons the least apt to make such an use of his ignorance. As he had a stock of Maxims most valued among sovereigns, he was industriously vain of his learning and unwearying in pushing his favourite doctrines, whether political or religious. With the dangerous gift of stating his principles in a general and logical form, he had the pathetic but necessary which compels to contradiction. He was peculiarly fitted to raise every dangerous question and settle none.

His political doctrine is most clearly stated in his tract, entitled *The True Law of Free Monarchies*. A free monarchy, the only real monarchy, differs from elective lordship or the authority of any republican magistracy, however exalted. A monarchy in the proper sense is created by God and accountable to God only. He is above the law, as both its author and the giver of strength thereto. All other authorities in the state derive their power from him, and owe him absolute obedience.

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The theory of the state held by James determined his theory of Church government. James might allow some latitude in points of doctrine and of worship, but he could not acknowledge any independence in the clergy, still less any claim of the clergy to give laws to the secular ruler. Hence his anxiety to the Roman Catholics on the one side and on the other to the puritans. The Roman Catholic Church claimed to direct, to judge, and even to depose monarchs. Andrew Melville, when moderator of the general assembly, told James that he was but "God's silly vessel," and in Christ's kingdom neither king nor head nor lord, but only a member. James abhorred both positions. For him the true relation between Church and State was that which he found in England, where there were bishops appointed and installed by the crown and controlling the inferior clergy by whom the people were instructed. In his *Preservative to His Majesty* he tried to claim his brother sovereigns regarding the papal claim of supreme authority. He denounced Beza's doctrine that kings are made by the people and may in certain cases be deposed by them. Furthermore, he said, "both made the people and subjects of every one of us our superior". Beza's doctrine would make all kings the subjects of the pope. In the *Justification* he named his own argument against the opposite evil of equality in the Church. The Scottish divines at the time of the reformation, he charged, were possessed with an ungodly democracy, that they led themselves with the hope of becoming the rulers of the people. Purity

is the mother of confusion, and enemy to unity which is the mother of order. James, in short, was an Englishman. Whether or no he believed government by bishops to be a divine ordinance, he believed it to be the only Church government compatible with monarchy.

The death of Elizabeth had taken away the last part of the nation which for various reasons disliked a Scottish succession, and James was instantly proclaimed king without any show of resistance. Within three days the news was brought to Edinburgh, and on April 5 James set out for England. During his progress southwards, he was so beset, with men of such eager to forward each other in his good grace that he thought fit to issue a proclamation forbidding their approach. Even at this early time his manner, at once unkingly and unpatronal, somewhat abated the fervour of his new subjects. He started the English request for legal forms by ordering a *shut* taken at Newark to be hanged without trial, and showed English patriotism by the number of his countrymen whom he brought in his train. On May 3, he reached Theobalds in Northampton, the stately house of Sir Robert Cecil, where he began to reward his friends and choose his confidants. He ordered the release of the Earl of Southampton, and the other accomplices of Essex. But he mostly refused from making any serious change in the privy-council or in the most important offices. The chief of the ministers, Sir Robert Cecil, secretary of state, who had already won his entire confidence, he created Baron Cecil of Ruessden. He raised the hard keeper, Egerton, to be chancellor and Baron Ellesmere. He rewarded the Scots for their support by restoring the earldoms of Arundel and Surrey to young Thomas Howard, Lord Malmesbury, son of Earl Philip who was attainted in 1546, by making Thomas Howard, second son of the late Duke of Norfolk, to be Earl of Suffolk, and by conferring the rank of privy councillor on his uncle, Lord Henry Howard, who was created in the following year Earl of Northampton. Placed in the household he closely observed for his Scottish courtiers, and more brightly he looked on Scots and English alike until the dignity became almost obnoxious.

The Howards remained for many years the most powerful family in England, but none of them had ability equal to the

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function of chief minister. That place was from the first occupied by Robert Cecil, second son of the great Lord Burghley. Cecil was about forty years of age. Early apprenticed to public life, he had become secretary in 1595, and on his father's death succeeded to much of his father's authority. Inferior in capacity, he was yet a man of the same type, subtle, prudent, laborious, an excellent administrator, a dignified speaker, living for public affairs while not careless of his own interest. Although he received a pension from Spain, as did several statesmen of the time, it cannot be shown that he gave Spain anything in return; and although he grew rich in office, he does not appear to have soaked his hands with any gain which was then held to be illicit. He was, indeed, too cold and self-controlled to inspire warm friendship. Nor did he inherit with so many other gifts that large sagacity which had sometimes served his father above the merely official view of grave questions. For this very reason he was all the more assured of his master's favor; for James, in the abounding sense of his own wisdom, wanted but a reminder who was equal to business and left him to choose a policy.

On taking possession of his new kingdom James had to decide whether he would continue the war with Spain, and whether he would abide by the severe constitutional policy of Elizabeth. From the first he betrayed his eagerness to end the war. Sir Walter Raleigh, his most eager advocate, lost more than any other Englishman by the change of sovereigns. In quick succession he was deprived of his captaincy of the guard, his wardenship of the Stannaries, his patent for licensing taverns, his government of Jersey, and his tenure of Durham House. Hostilities with Spain were suspended at the earliest possible moment. Remy, the most trusted counselor of Henry IV., coming on a special embassy to get help for the Dutch against the King of England, was civilly received, but found little encouragement. The parliament had conceived high hopes of the new monarch. The puritans felt assured that James, who had been taught from infancy by ministers of the Scotch kirk, would show lenity to Calvinists. A petition for certain changes in ritual and discipline, expressing, it was said, the wishes of 1,000 pious clergymen, and hence known as the *Milner's Petition*, was offered to James on his way to London. The embassadors hoped

for much from the son of Queen Mary, who had sometimes ^{calan} made as though he were himself willing to be received into the bosom of the true Church. But puritans and catholics alike were disappointed. James was bent on subduing the puritans as obstacles to the absolute power of the crown. He did not want to torment the catholics, but he meant to keep them at his discretion, and he could not afford to forget the necessary fines, which were exacted as heresies.

In these circumstances two plots were formed against the new king, the *Main* and the *Boys*. The *Boys Plot*, so called to mark its slighter consequences, had for its author a Roman catholic priest named William Watson. After giving favourable assurances from the king, Watson was arranged to learn that the necessary fines would be strictly levied. He conspired with William Claib, another priest, and they drew in Anthony Copley, son of Sir Thomas Copley of Gatten, Sir Griffin Markham, George Brooke, brother of Lord Cobham, and Lord Gray of Wilton. Brooke was a protestant with personal grills against James. Gray was a protestant, moved partly by the hope of obtaining freedom for his brethren, partly by hatred of the Earl of Southampton, now high in the royal favour. Following a method familiar and approved in Scotland, the conspirators meant to seize their sovereign and extort his consent to whatever they should ask. They went to meet their followers under pretence of offering a petition to the king. Greenwich was to be the place and June 24 the day. But the plot having been disclosed to John Gerard, a Jesuit, he passed on the information to his provincial, Henry Garnet, by whom it was imparted to the privy council, for the Jesuits were on the worst terms with the secular priests. Still earlier information had been given to the Bishop of London by an imprisoned priest named Barnby. The king quitted Greenwich on the very day chosen, and the petitioners who came up were too far to attempt a rising. Soon all the ringleaders were prisoners. In gratitude James promised to a catholic deputation that the necessary fines should not be exacted.

The other plot, the *Main*, appeared at least more formidable. The prospect of a Scottish king had been displeasing to many Englishmen; and some would have preferred Arbella Stuart, great-grand-daughter of Margaret Tudor and her second hus-

hand, the Earl of Aragon, as Elizabeth's successor. The catholics would gladly have seen Elizabeth succeeded by a catholic or at least by some one pledged to toleration. The Spanish government, besides its claims on the claim of the Infanta Isabella, would have favoured even a protestant heir thus pledged. James had been prepared to look for such opposition. When Watson's plot had been revealed, Raleigh's part in it drew suspicion upon his brother Cobham. Some of Watson's accomplices believed that Cobham had plotted with Raleigh to depose the king. Raleigh had long been noted by Robert Cecil and Henry Howard as a disaffected and dangerous person. He was questioned before the council and questioned as to Cobham's conduct. Somewhat later and of his own accord Raleigh wrote a letter to Cecil assailing Cobham of intrigue with the Count of Arvelberg, who represented in England the Archduke Albert and his wife, the Infanta Isabella, ruler of the Spanish Netherlands. Cobham was then arrested, and a few days afterwards Raleigh followed him to the Tower.

Raleigh wrote another letter to Cobham to the effect that he had cleared Cobham in his examination before the council, and either Raleigh or his messenger added the remark that one witness was not enough to convict on a charge of treason. The letter came into the hands of the council and seriously deepened the suspicion against Raleigh. Cobham, when he saw the letter which Raleigh had written to Cecil, fell into a rage and declared that whatever had been said earlier had been prompted by Raleigh. Cobham presently repeated this statement, but Raleigh justified his own case still more by an attempt to commit suicide. He was himself examined several times, but we do not possess his answers. After Bacon and other persons interested in the case had been repeatedly examined, the council thought that it had matter enough to prove Raleigh's guilt, and as the plague had caused the removal of the courts of law to Winchester, Raleigh was sent thither to take his trial. So much hated was Raleigh at this time that he was in danger of his life from the mob when passing through London.

On November 17, Raleigh appeared before a commission which included Secretary Cecil, Lord Chief Justice Popham, and other judges, lords, and gentlemen. Sir Edmund Coke, the

attorney-general, prosecuted in a spirit too conscious that, however manifest it may seem now. He spared no form of evil-ling. The proving was an odious fellow, a monster, a viper, a traitor, an atheist. Raleigh defended himself with a courage and astuteness which even to him raised surprise and turned the sympathy of the public, though they could not change the result of the trial. The only weighty evidence against him was Cobham's confession. Raleigh produced a letter from Cobham saying that he had lied, but the attorney-general had in reserve another letter in which Cobham showed how his resistance and went back to his first story. Raleigh prayed it was that he might be confronted with Cobham. The remaining evidence was merely hearsay, the attorney-general going so far as to put in the deposition of one Dyer, a pilot, who at Lisbon had heard a Portuguese gentleman say that James would never be crowned, for Don Raleigh and Don Cobham would eat his crown on that day-race. A trial thus conducted left the prisoner no hope. Raleigh was found guilty of high treason and received sentence of death.

The witnesses accused of taking part in the spy had already been convicted, and Cobham and Grey were found guilty by the peers the day after Raleigh's trial. Watson and Clarke were executed with all the cruelty which the sentence for treason made possible. Brooke suffered a few days later. The king still was intent that the remaining prisoners should die, but he wished to learn all that the prisoners of death could move them to say. Warrants were therefore issued for the execution of Cobham, Grey, and Markham, and on December 10 they were brought out to the scaffold. When each had made what he deemed his dying speech, he was removed to separate confinement and was told that he had been reprieved. Grey declared that he had withdrawn from the spy at once as he understood its real purpose. Cobham persisted in his charge against Raleigh without any attempt to explain his self-contradiction. Raleigh, whose execution had been fixed for a later day, was also granted a reprieve. All three were carried back to London and placed in the Tower, where they knew that their lives would be spared. The other criminals were banished the kingdom. Cobham and Grey died in prison. Raleigh was to come forth many years later but only to fulfil his tragic

clerk destiny. It is probable that Raleigh had been adverse to the succession of James and would have wished to see Arceps's queen, but improbable that he conspired against James when once on the throne.¹

The parties for newswelling obscure plots and the interest attaching to a man so remarkable as Raleigh have given the Mass a subtlety and of all proportion to its consequence. How the long would treat the differences in the Church was of far greater moment to the public. Although the parties were a small part of the nation, they were numerous in that middle class which was daily gaining in vigor and independence, and they had all the power which comes of being serious as well as of being narrow. As yet the breach between them and the rulers of the Church was not impassable. Many of the bishops were Calvinistic in doctrine and the parties did not yet reject episcopacy as contrary to the word of God. Presbyterians were still rather a tendency than a creed, and the wisest servants of the crown were most disposed to treat the parties with lenity. Lord Burghley had blunted the inquisitorial demands made on them in 1581. Bacon still ventured to plead for tolerance in matters not essential to the faith. But on this subject James was even less disposed to take advice than on any other. He was fully enabled to uphold the bishops with his power, but he probably hoped to convert the parties with his learning. He therefore gave orders for a conference where both parties should state their views to him as president, and he should decide their differences. Had he known as much of human nature as of school divinity, he would have known that theological disputes are only inflamed by debates between theologians.

The conference opened at Hampton Court on January 14, 1604. Antiquity was represented by the Archbishop of Canterbury, eight bishops, five deans, and two other dignitaries. The parties were represented by Reynolds, Dean of Lincoln, Spurin, Knowlton, and Chaderton. The parties did not meet on an equal footing and the parties were excluded during the first day while the king was entertaining common company to the bishops. On the second day the parties were admitted to state their grievances and their demands, Reynolds equally sitting

¹ *Massachusetts Historical Society, for Walter Raleigh, 25, 26.*

as sponsors. They asked for certain changes in the articles and for the addition to them of the so-called Lambeth Articles of 1595 which would have added to the old barren open confession the weight of a Calvinistic formula regarding grace and predestination. They dwelt on the familiar objections to certain ceremonies. They expressed the need of a learned and a preaching ministry, and they desired a new and pure correct version of the Scriptures. The tone of the bishops, especially of Bancroft, Bishop of London, was not always marked by temper or courtesy, but James for a while maintained his dignity as president, although he did not keep his feelings, unmasked freely: "It is my opinion, no bishop, no king." At length Reynolds proposed the revival of presbyteries with conference of disputed points to the bishop with his presbytery. That word was enough to strike the king out of all patience. "If you were at a Scottish presbytery," he broke forth, "it agrees as well with matrimony as God and the devil. Then Jack and Tom and Will and Dick shall meet and advise me and my council and all our proceedings. Then Will shall stand up and say, It must be thus, then Dick shall reply, and say, Nay, marry, but we will have it thus." Not even at the end did he regain his temper. "If this be all that they have to say," was his last word, "I shall make them conform themselves, or I will hurry them out of the land, or else do worse."

At a final sitting of the king and the bishops it was resolved to make a few slight changes in the Book of Common Prayer, and to appoint commissions of inquiry how best to obtain a preaching clergy. Nothing more was granted to partisan feeling. Subscription to the whole of the Prayer Book and the Articles was to be enforced. Thereafter the partisans knew that the bishops would have the full support of the crown as in the reign of Elizabeth. The death of Archbishop Whitgift on February 29, did not modify the policy of the bishops. The Hampton Court conference failed to restore harmony in the Church of England, but it checked English innovation. For the king was led by his love of learning to grant the request for a new translation of the Bible; and to this day we owe what is known as the authorized version which appeared in 1611.

The king issued his proclamation for a new parliament in January. Among other stipulations he bade the people choose

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In the house of commons there was scarcely any one entitled to claim even the informal and precarious leadership which alone was possible at that time. Yet from the first the house showed no want of decision. It immediately took into consideration two cases of privilege. After some delay and trouble it enforced the release from the Fleet of Sir Thomas Shirley, merchant for Germany, who had been arrested for a private debt. Sir Francis Goodwin, though an outlaw, had been shown by the granty of Buckingham in preference to Sir John Fortescue, a policy councillor. When the return was made, the court of chancery declared the election void, and in a second election Fortescue was returned. Goodwin, who was not unwilling to defy the crown, himself soliciting the invalidation of his election. For the house claimed precedence of the matter and, still holding Goodwin at the bar, bade him take his seat. Then, by the king's

dures, the Lords went to ask the commons for information; and the commons, after some delay, agreed to a conference, in which they set forth their reasons for acting as they had done. The king in person urged that suitors were not dignified and that suitors ought to be made into chancery. Since the commons derived all their privileges from his grant, they should not turn those privileges against himself. Finally he asked them to confer with the judges.

In order to show their doubtful temper, the commons adopted a bill to disqualify suitors for the future, but in order to assert their privileges, they chose a committee to draw up a reply which they requested the lords to lay before the king. In this reply they maintained their right to determine matters of election, and refused to confer with the judges. The king, after pressing some time longer for such a conference, gave way, acknowledged the jurisdiction of the house of commons, and merely asked that Forester and Gaudin might both be set aside and a new election held. Content with having established a principle, the house yielded to the king's wish, and the dispute ended. The principle was indeed essential to the independence of the commons. Thus the house had always been the judge of disputed returns was not equally true, and that the house was not a flawless tribunal for such cases is clear. In after times the trial of an election petition by the whole house became a mere test of party strength, conducted almost without a pretence of fairness. But in the seventeenth century any other tribunal would have been worse. To refer a disputed election to the court of chancery or any other court wholly dependent on the king's will, was to afford the king a sure means of passing the house. James had enlarged the scope of the debate by asserting that the privileges of the house should not be used against him, because they were his grant. The claim was logical if his conception of kingship was right, but for that very reason the claim could not be allowed, if parliament were to act otherwise than as a sovereign. On this occasion, however, the king's good nature or his love of quiet averted the conflict which his theories had provoked, and both parties had reason to be satisfied with the issue of Gaudin's case.

Other conferences followed. The solution of fear and affliction which Elizabeth Ingham had withheld parliament from

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taxing grievance which was more and more keenly felt in the general progress of society. The reforming spirit of the new house of commons might have been a source of popularity and power to a king who understood how to guide it; but to James it proved an irritation and an embarrassment. The royal right of purveyance, the right of the king's officers to take supplies and transport for the king's household at more or less arbitrary rates, had from remote times been the cause of much oppression, which a long series of statutes, from Magna Carta downwards, had sought with little success to render impossible. The commons drafted a bill declaring the abuses of purveyance illegal, and at the same time a petition explaining their case to the king. In the house of lords Cool moved for a conference with the commons on this subject. When the conference was held, the representatives of the commons insisted that the king was not entitled to any compensation for putting down abuses so often forbidden by law. The representatives of the lords, finding that the king was in want of money, proposed to offer him an annual revenue of £50,000 in lieu of the right of purveyance itself, adding the curious argument that, as there were many poor statutes which the king did not enforce, he might fairly expect some indulgence in return.

Another grievance was the survival of tenure in chivalry long after war had ceased to be waged with feudal levies. With the military tenures remained the oppressive rights of the crown over its tenants. On the death of a tenant in chivalry his heir under age became the king's ward. If he left an heir, the could not marry without the king's consent. The administration of the court of wards was so bad as to inflict heavy loss on the tenants entrusted to its care, and the royal power over the marriages of heiresses made them the prey of men who had influence with the king. The extinction of the military tenures in return for a fixed money revenue fully equal to all that the crown derived from them would have been an unspeakable boon to the military tenants, and a gain to the whole community. Early in the session, therefore, the commons asked the lords to join with them in a petition to the king for relief. As the lords were among those who suffered most by the negligence of the military tenants, they agreed to do so, but when the commons some time afterwards proposed to settle upon the king in return

for the extinction of his feudal rights a larger revenue than he had ever derived from them, and to punish the effluery of the court of wards, the lords drew back and advised that nothing more should be done until the following session. They counselled this in fact, for several circumstances had wrought up the king to high displeasure.

The king's desire for an entire and ignominious union of England with Scotland had found no response in the lower house, where the old national pride was offended by his profane levity to his countrymen. When it was proposed that James should take the style of King of Great Britain, the commons held that some understanding as to the terms of the union should come first. They would do no more than pass a bill for naming twenty-eight commissioners, taken equally from both houses, to confer with a like body chosen by the Scottish parliament, and to report when the parliament should meet for a second session. Then the commons insisted on debating a subject from which even Elizabeth had scarcely been able to withhold them, the state of the Church of England. The majority of the commons were what was then termed puritans, not radical puritans such as afterwards fought in the Civil War, opposed on principle to government by bishops and to the Book of Common Prayer, but puritans in the sense of desiring that ministers who scrupled at certain ceremonies should be indulged, and that measures should be taken to secure a revival and a preaching clergy. In April, Sir Francis Hastings moved for a committee to consider how religion might be strengthened and a learned ministry increased. James asked the house before proceeding further to confer with the commons, but the commons refused to do this, while declaring themselves ready to confer with the bishops as lords of parliament. Bills for providing a learned and godly ministry and for altering pluralities were passed by the commons but lost in the house of lords. Vexed at all these crosses, the king came down to the parliament on May 30 and addressed the formal rebuke to the commons. Such religion had not yet been blessed by frequency. Anxious to show their deference, the commons said nothing more about spirituality and puritanism, but hurried forward the bill appointing commissioners to treat for a union. They were not, however, disposed to own themselves culprits. They prepared an

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In terms of profound respect the commons lamented that the king had been misinformed as to certain matters: namely, that the privileges of the house were of grace, not of right, answered every parliament on their petition; that the house of commons was not a court of record, and that the examination of elections returned belonged not to them but to the chancery. They asserted that their privileges were their due inheritance, no less than their lands and goods, that their house was a court of record, and that it was the sole rightful judge of the election of its members. They declared that their privileges had been more dangerously impeached than at any former time, their freedom of election impeached, their freedom of speech impeached by many reproaches, and their house made contemptible in the eyes of the world. "The prerogatives of princes," they said, "may easily and do daily grow; the privileges of the subject are for the most part an everlasting stand. They may be by good providence and care preserved, but being once lost are not recovered but with much discipline." Their long debates regarding the proposed union between England and Scotland they excused by the nervous and gross consequences of that measure. As to the Church, they expressly denied the power of the crown to "alter religion" or to make any law concerning it otherwise than by consent of parliament. For themselves they disclaimed any wish to dispute upon doctrine or to change government. They had merely wished to restore unity by abandoning some small ceremonies, to reform certain abuses and to furnish the kingdom with a learned and godly ministry. With respect to the feudal tenures, they had proceeded by way of petition, as the king had encouraged them to do if they felt themselves hard-used. They stood not in place to speak or do things pleasing. Their due due and must be to confirm the love and to tie the hearts of the subjects most firmly to his majesty.¹

The pith of the apology lay in the contention that the privileges of the commons of England were their lawful inheritance, all forms which might be adduced to imply the contrary

¹ *Parliamentary History*, i., 109; *Calendar of State Papers, Domestic*, Edw. VI. (June 1, 1604), 30.

notwithstanding. Such a claim contradicted belief truly held and often asserted by King James. For, if kingly power admits of no restraint by law, none of his subjects can have any legal right against the king. Their liberties are matter of grace, and it is for the king to judge when they have been so far abused that he should recall them. If, on the contrary, subjects have any legal right against the king, the king, is not absolute but limited by law, and how far he shall be limited is a question of construction merely. There had been many conflicts between kings and parliaments in the past, but the conflict between opposing theories of government had never been so manifest as on this occasion. The care of the commons to put their doctrine on record was justified by the pregnant observation that the prerogatives of princes do daily grow, while the privileges of the subject are for the most part at a stand. Such had been the history of France, of Castile, of Aragon, and of other continental kingdoms, and such might well have been the history of England. By slurring his subjects in this James rendered to English liberty a service of which he was unaware.

The apology, although completed and read in the house, was never presented to the king, but the commons showed their temper in another way which he must have felt acutely. On his behalf they were asked to grant a supply, nor was the demand unreasonable, as the beginning of a new reign involved some extraordinary expenses. The house took advantage of the fact that much of the last subsidies voted to Elizabeth had not yet been collected. Until this had been done, they said, precedents forbade a fresh grant. The king thereupon wrote a letter to the commons disclaiming any wish for a further supply, and the commons went on to consider the grievances of the subject. Among these grievances none was more vexatious than the curtailment of the liberty of trade with foreign lands by the privileged of the trading companies. These companies held all the *hells* which had been won for English commerce since the death of Henry VIII. The Russia trade was monopolised by the Muscovy Company, the Baltic trade by the Eastland Company, the trade with the shores of the North Sea by the Merchant Adventurers; the Mediterranean trade by the Levant Company; and the trade with West Africa and with India by the companies named after those regions. Merchants who were

not members of any company had only the trade with France and, when peace should have been concluded, with Spain. However useful privileged companies might be, where the state was unable to protect or control its subjects in their commerce with savage or barbarous peoples, such a restraint of trade was clearly excessive and harmful, and it was the more galling as the members of the companies were almost all citizens of London, so that most of the foreign trade of the kingdom was confined to a single city. Complaints of traders led the house to appoint a committee, and on its report the house adopted a bill throwing open the whole foreign trade. When the bill went up to the house of lords, however, it was opposed by Attorney-General Coke and allowed to drop.

Only in that matter where conflict might have stopped most probable were the king and the commons able to act in union. James had soon rejected of the intention which in a list of gratuities he had promised to the Roman catholics. During the last few months the catholic priests had been returning to England by scores. Many catholics who had hitherto conformed out of fear now shamed themselves from the established worship. Some converts were made by catholic missionaries, and the number of these spiritual brights was magnified in catholic report. The king James was more and more alarmed by the increase of recusants. As a husband, a monarch, and a theologian he was truly vexed to find that Queen Anna secretly strove to hide her preference for the Church of Rome. "In February he put forth a proclamation ordering the catholic priests to depart the realm before the end of March. When spring parliament he declared his purpose of hindering conversions to the Roman faith. In May he expressed his wish he saw leave to burn the papists in. No request could have been more pleasing to the house of commons.

Although broken of conscience was the outcome of that struggle which fills the seventeenth century, we must not suppose that such a result was foreseen, far less desired, by either party in the Church of England under James and Charles. The parties no less than the rulers of the Church clung to the medieval doctrine that the state was bound to enforce pure religion and to punish all heresy and schism. The parties sincerely rendered the most valuable service to the cause of

freedom by their obstinate assertion of their private judgment, by their stubborn resistance to the wants and the bid to all official attempts to enforce conformity. But had they been in the seat of power, they would have shown at least as much moderation as their adversaries. The Renaissance they regarded with a peculiarly aversive hatred. It must indeed be remembered in extenuation of protestant bigotry at that time, that the Roman Church was no merely spiritual association¹ trusting solely in spiritual arms. In the great work of reconquering the lands lost to Luther and to Calvin she had always employed, she was still employing, every kind of force that was available. Men not old when James ascended the English throne could remember the massacre of St. Bartholomew, the detail of a Spanish mission, the many plots against Elizabeth's life. The Church of Rome was still in a literal sense a political power, a political danger. She made no concealment of her resolution to destroy heresy wherever she could, as a similar government puts down bigamy and murder. How far it would have been possible for statesmen convinced of the duty of toleration to exceed the full rights of citizens to English Roman Catholics at that time is hard to decide. That statesmen who thought it their duty to be intolerant should have visited honest Catholics with statutes which we think ignominious and abominable was but too natural. The parliament readily passed an act confirming all the cruel legislation of Elizabeth and rendering it in certain respects even more severe.

By the time that this act had been passed James thought that the session had lasted long enough. He prorogued the parliament on July 7, not without a quarrelsome debate in the house of commons.

Convocation had been sitting at the same time as parliament and had shown still as eager to harrass the papists as the commons had been anxious to spare them. It passed canons inflicting excommunication upon all who should affirm any of the thirty-nine Articles to be erroneous, or anything in the Prayer Book to be repugnant to Scripture, or any of the rites and ceremonies of the Church to be superstitious, or should maintain that government by bishops was contrary to the Word of God. Excommunication was then much more than a spiritual penalty, since it disabled the subject from bringing a civil suit and con-

deed him liable to imprisonment until he made his submission. Bancroft, who may be regarded as a disciple of Whigitt, although in some respects more anti-papist, became Archbishop of Canterbury in November. A royal proclamation allowed the clergy a respite till the end of that month, when the archbishop was commanded to proceed against such as continued recusants. By another letter to the bishops, Bancroft exposed the dismissal of all canons and lecturers who would not subscribe to the new canons. Recalcitrant clergymen who were unwilling to subscribe might keep their livings if they would conform to the rubrics of the Prayer Book. The number of those who refused to conform and were ejected is variously stated by contemporaries according to their respective bias. In the following year the universities were commanded to exact from all their members an oath to the effect that episcopal government was agreeable to Scripture and that presbyterian government, even if otherwise useful, was inconsistent with monarchy. Thus, at a time when nobody was allowed to remain outside the national Church, it was made more and more difficult for such persons as could not fully accept its ceremonies to abide within.

In foreign as in domestic affairs James had given the world to understand what his policy would be. From the day of his accession he had resolved on peace with Spain, nor did he want solid reasons for taking this course. After many years of war, England had emerged herself against invasion and had ended the Spanish dominion of the sea. But it was unlikely that she would reap much more advantage or glory in the future. If Spain had no efficient navy, England had no efficient army. It was beyond English power to join the Portuguese against their Spanish tyrant or to make conquests in Spanish America. Even at sea valuable prizes were less likely to be taken when close-brought experience had made the Spaniards careful how they conveyed their American treasure to Europe. Although the English nation was in no straits, for taxes were not heavy and the general wealth was always growing, the treasury had begun to feel the strain of the war, and even Elizabeth had found it necessary to mint coins and to sell crown lands. As James for lack of martial spirit and administrative skill was of all sovereigns the least fit to make war, it was prob-

ably a wise instinct which led him to make peace. On the other side it might be urged that James bound us not to desert our Dutch allies until the King of Spain had acknowledged their independence in the fullest terms. But James was not slow on the point of honour, and was never quite certain whether to uphold the Dutch as allies or to shelve them as rebels. The Dutch, it must be added, were so well able to defend themselves that they had carried the war into the enemy's territory and were founding their colonial empire, their naval power, and their world-wide commerce on the ruins of Spanish grandeur.

The Spanish king and his ministers had learnt that peace with England was the only means of continuing the struggle with the United Provinces which they could not bear to forge. Philip II., indeed, had surrendered his provinces in the Netherlands to his daughter Isabella, and her husband, the Archduke Albert. But they could never have maintained the war from the resources of their small and exhausted territory. It was waged with Spanish troops and Spanish treasure, and, since Isabella and her husband were childless, whatever was kept or won would return to Philip III. The wisest of the court of Madrid were therefore decisive with the court of Brussels. In July, 1603, Count Arundberg, the envoy of the archdukes, as they were called, invited the King of England to mediate between his sovereigns and the victorious republic. James thereupon sounded the Dutch, and found them resolute against peace on any terms whatsoever. In the autumn the Count of Villa Mediana brought friendly letters from Philip to James, but it was not until January, 1604, that the Duke of Frias, Constable of Castile, came to Brussels with powers to treat for a peace. A further interval passed before Spain would acknowledge defeat by submitting to the English demand that the negotiation should take place in London. The first conference of the plenipotentiaries was held on May 22. England was represented by the Earl of Nottingham, lord high admiral, the victor of 1572, the Earl of Dorset, lord treasurer, Lord Cecil, the secretary; the Earl of Devonshire, and the Earl of Northampton. The Constable of Castile did not appear until the treaty was ripe for signature, but the Count of Villa Mediana and Alessandro Rodda acted for Spain, while the Count of Arundberg with two others represented the archdukes.

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Where both parties were eager for peace there could be little doubt of the issue, yet some details of the treaty occasioned long debate. As England had left the Dutch to fight their own battle, she was loath now to admit any terms positively prejudicial to them. James refused to acknowledge that the Dutch were obliged or to restrain Englishmen from serving in their armies. A stipulation that either of the contending parties would undertake to leave open any ports of the other which were blockaded was meant by the Spaniards to cause a quarrel between the English and the Dutch, but was accepted by the English without any thought of performance. Upon the trade to the Indies, East and West, no agreement could be reached. As the Spanish plenipotentiaries would not acknowledge the right of the English to trade thence even with independent peoples, and the English plenipotentiaries would not acknowledge in any way that such trade was unlawful, the matter was left out of the treaty, and Englishmen and Spaniards continued to wage irregular war in those remote regions. Another difference concerning the religious freedom of English subjects whose trade brought them to Spanish ports was settled on the principle that they should not be molested so long as they gave no public scandal. With this agreement the negotiations ended, the Countess of Castile at length appeared in London, and on August 15 King James swore to the treaty of peace. It was not glorious, but it was, on the whole, profitable.

Bankrupt as Spain was, the Spanish government at once took measures to turn a party in the court and government of England. Dorset, Devonshire, Northampton, and even Cecil, now Viscount Cranborne, besides others of less account, strove to take secret pensions from the King of Spain. So easy was the public virtue of the age, that they probably felt little shame in getting thus, and another thirty-six years by doing almost nothing for the money. But Spain aimed higher yet. The Countess of Castile had heard from Queen Anne that she wished her eldest son Henry to marry Anne, the eldest daughter of King Philip. Like all good catholics, Philip was anxious that Catholics should become protestant merely through the perjury of their kings, in whose faith they would with equal readiness return into the bosom of the Church of God. For himself, nothing could be more glorious or more profitable than to be the cause of that

resulting Christmas. He therefore declared himself willing to treat for the proposed marriage on the easy condition that Henry should be wunt to him to be brought up a catholic. Thus began a long and dreary tale of idle hopes, vain projects, and mutual deception, ending in disappointment to both parties and a renewal of war between England and Spain.

CHAPTER II.

THE ADMINISTRATION OF SALISBURY.

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The catholics were naturally incensed. Under the penal laws they suffered much and lived in daily fear of suffering more. The king, from whom they had expected relief, had

asked their hopes only to deepen them, and might at any moment remove what check he had placed upon persecution. In their despair some Catholics thought of the most atrocious means for regaining their freedom. Foremost among these was Robert Catesby, a Wiltshire squire, remarkable for his fine person, his courage, and his gift of inspiring others. His father had suffered in exile for fidelity to the old religion. Robert himself had been foremost among the Catholics who took part in the wild insurrection of the Earl of Essex, but had escaped with a wound and a loss of four thousand marks. Not long afterwards he joined with Lord Montague in sending his cousin Thomas Winter to Spain in the hope of persuading Philip to undertake an invasion of England. In that aim he met with no success. In February, 1604, after James had turned against the Catholics, Catesby imparted to Winter a plan for blowing up the parliament house on the first day of the session, when the king, the lords, and the commons should all be assembled there. Winter was anxious to try first what could be done by milder means, and it was agreed that he should go to Plasencia to secure, if possible, the intervention of the Constable of Castile, then entrusted with negotiating the peace between England and Spain. Failing such intervention, Winter was to enlist the help of Guido Fawkes, an Englishman who, though young, had served many years with honour in the Spanish armies. As Winter soon found that nothing could be hoped from the constable, he turned to Fawkes, who was ready to risk all for the Church and whom he brought over to England in April. A fourth conspirator was secured in John Wright, an old friend of Catesby.

The thought of killing the king had also been in the mind of Thomas Percy, second cousin to the Earl of Northumberland. Percy was trained by the reg. who made him constable of Alnwick Castle, and sent him on a mission in the Catholic interest to James, while Elizabeth was yet alive. By his marriage with John Wright's sister Percy had become acquainted with Catesby. He fell under Catesby's spell and was enlisted in the plot. In May, Catesby and his four accomplices met by night at a house behind St. Clement's church, where they took an oath of secrecy and received the sacrament from the hands of that Father Gerard who had revealed Watson's plot. Gerard

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probably had no knowledge of the conspiracy. Thus Catesby unfolded his plan. Percy was to hire a house immediately adjoining the parliament house. A mine was to be run under the building and charged with gunpowder. Time would be wanted and the danger of discovery would be great. Fawkes, therefore, as a man of tried courage and little known on account of his long absence from England, was to be charged with the immediate care of the business.

The house was presently secured, but, when parliament rose in July, the conspirators left London for the country and did not return until Michaelmas. Then they hired the house at Lambeth where Catesby lodged to serve as a magazine and put it under the care of a new recruit, Thomas Rogers. But fresh delay was caused by the commissioners for the union between England and Scotland, who chose for their place of meeting the house whence the mine was to run. Nothing could be done until the beginning of December, and parliament was expected to meet in February. When at length the conspirators had got to work and made some progress, they learnt that the meeting of parliament had been put off until October. They paused again, and Catesby used the interval to get fresh help. He had already disclosed the scheme to his servant Bates, who could not easily be kept in ignorance. He next secured Thomas Winter's brother Robert and his brother-in-law, John Grant. A little later Wright's brother Christopher joined the plot. In March, 1564, the conspirators were lucky enough to get a lease of the cellar of the house next to that taken by Percy. As it stretched under the parliament house, they were saved the trouble of further mining. Opening a new door into the cellar they placed there twenty barrels of powder, on which they laid a number of iron bars to make the explosion more destructive, and covered the whole with a great quantity of faggots and wooden planks.

The conspirators reckoned on the death of the king, of his eldest son Henry, and of so many members of the privy council and of the lords and commons as would for the time end all government and leave the state defenceless. But they were aware that their labours would be vain unless they could set up a new power in place of the one destroyed. For this purpose they counted on a general catholic rising with help from the catholic governments. The signal of insurrection was to be given

In that district where most of the conspirators came and where a great part of the gentry were catholic, the counties of Warwick, Worcester, and Stafford. Percy, who had been appointed a prisoner's pardoner, by Northumberland, the captain of the corps, hoped by taking advantage of his office and the public confusion to seize the king's younger son Charles. The only other child of the king, the Lady Elizabeth, was then in the charge of Lord Harington at Combe Abbey, in North Warwickshire, the very neighbourhood where the catholics were to rise first. When Charles and Elizabeth had been secured, the rebels, it was thought, would be able to fashion a new government as they pleased. Considering how inferior the Roman catholics were in number, and indeed in all the elements of strength, such a scheme was madness. Had the king and parliament been destroyed, a rising of the catholics could only have ended in their defeat and slaughter. But men who reasoned soberly would never have embarked on the Gunpowder Plot.

The conspirators engaged Catesby to enroll such wealthy catholics as could serve the cause, not merely in their own persons, but by lending arms, horses, and supplies for the rank and file of the rebellion. It was a foolish trust, for with every new associate the chance of disclosure by refusal or treachery became greater. Catesby chose Sir Edward Digby, Andrew Rokewood, and Francis Tresham, men very unequal to the desperate venture which they agreed to share. Digby, whose broad estates and numerous friends marked him for a leader, took up his abode at Coughton in Warwickshire, where he would be at hand to organize the insurrection. He was to hold a great hunting match at Dunchurch on the fatal day. As many as possible of the catholic gentry of the surrounding shires were to be invited. When they had met, Digby was to proclaim the real cause of the assembly, call them to arms and seize the Lady Elizabeth. This once accomplished, and the news from London known, it was hoped that the catholics throughout the kingdom would hasten to join their deliverers. In order to gain help from abroad, Parker was despatched to Flanders and Sir Edward Bayham to Rome. But no foreign governments were trusted with the fearful secret.

When all was ready, another delay was caused by the further prorogation of parliament until November 5. To ensure success

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it was useful that such catholic lords as might attend the meeting of parliament should be left to their fate. But Treham could not endure to sacrifice his friend and brother-in-law, Lord Montagu, whom he resolved to warn at all hazards. Late on the evening of October 26, as Montagu was sitting down to supper in his house at Hinton, he received a letter brought by an unknown person, and yielding no indication of the writer. It warned him to devise some excuse for not attending parliament, and to retire into the country, for "they shall raise a terrible blow this parliament, and yet they shall not see who hurts them". Montagu at once returned to town and gave the letter to Salisbury, who took counsel with Suffolk, the lord chamberlain. They agreed that the letter pointed to an attempt to destroy the parliament by gunpowder. Suffolk then bethought him of the collar which Percy had hired, and it was resolved to make a careful search, but not until the very eve of the meeting of parliament. The king, who was not acquainted with the letter until November 3, drew the same inference, and ordered Suffolk to inspect the buildings. A little before midnight on the 4th, Fairfax was found at his post, the collar was searched, and the fate of the conspirators was fixed beyond recall.

They had been allowed ample time in fly, for Montagu, as soon as he had cast a glance over the mysterious letter, had given it to one of his gentlemen, Ward, in read aloud, and Ward the very next day told Whitton, who was his friend, that the plot had been discovered. Whitton passed the word to Catesby, but Catesby would not budge till Fairfax, who was then in the country, should return to London and examine the collar. As Fairfax found the collar in its former condition, they thought the alarm idle, and resolved to stay, although they suspected Treham and frightened him into warning Catesby and Winter at Buxton. He denied any part in the letter, but entreated them to make their escape. Yet it was not until November 2 that Catesby would admit the thought of flight. On the 3rd, Percy returned to town, and the five original conspirators sat once more in the house behind St. Clement's to consider what they should do. Percy was still so resolute against flight that the others yielded, and Fairfax returned to his post without drinking.

His arrest ended all doubt. Cateby, Percy, and the two Wrights fled before dawn, and, riding at full speed, reached on the same day Lady Cateby's house at Aubrey St. Lynn's, eighty miles distant from London. Keyes, Robinson, and Thomas Winter followed. Robert Winter at Aubrey first heard of the disaster from his child. Whichever his guilt, Cateby was a brave man, resolve to act while he had life, long to die sword in hand. He rode without delay to the hunting at Emschurch and tried to spirit up the catholic gentlemen whom Digby had brought together. But hardly any would join in an enterprise, dangerous from the first and very too early fatal. Still hoping to reach Wales and make a catholic conversion there, Cateby pushed on to Robert Winter's house at Huddington, near Worcester, his followers sitting arms and horses where best they might. They had sent Boris to Digby's house at Congham to consult Father Garnet, the provincial of the Jesuits. But of what counsel would their case stand? Father Gornsey, who had been cognizant of the plot, and was also staying at Congham, joined the fugitives, but he was their only recruit. Some of the band stole away to hide apart. The dawn had been given, the country was rising, and the last wild hope had almost vanished. On the third morning of their flight they attacked rats and received slaughter. Long after dark they rode into Holbrooke, a house in Staffordshire belonging to Stephen Lattin, one of their band, and, as they could go no farther, they prepared to fight. At eleven o'clock next day the sheriff of Warwick and his men beat Holbrooke. In the hasty attempt to dry a quantity of damp gunpowder the defenders raised an explosion which injured some of their number and damaged all with a sense of the Divine judgment. The two Wrights were shot dead. A single bullet pierced Percy and Cateby, who stood close together. Cateby lingered a few moments, Percy two or three days. The survivors made prisoners, and those who had hidden elsewhere were hunted down before long.

Repeated examination and the wearing out of torture at length wrung a full confession from Fawkes. The other prisoners and Treasons were also examined. On January 27, 1606, eight of the conspirators, Fawkes, Digby, Robinson, Robert and Thomas Winter, Keyes, Grant, and Bates were brought to the bar in Westminster Hall and convicted. On

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the just they suffered, four at Westminster and four in St. Paul's churchyard. Trevelyan had already died a natural death in the Tower. One or two of the other conspirators were executed at Winchester.

The government was most desirous to convert the plotters, who on different grounds might be thought to have been in the plot, Garnet, Gurney, and Gurney. Gurney and Gurney escaped, and Garnet with another priest named Oldcorn had in the house of a catholic gentleman named Abington, at Hindsley, not far from Worcester. At length, unable to endure any longer the cramped and suffocating of the closet in which they were hidden, they came forth and were taken by the watchers who beset the house. Neither repeated examinations nor the threat of torture (the king had forbidden its application) could draw from Garnet the desired confession. But something was gained by the bare trick of giving him opportunity to talk with Oldcorn in prison, where persons conversant could hear all that was said, and Garnet was by degrees brought to give an apparently full account of his relations with the conspirators. Gurney had given him vague hints and had asked a question as to the lawfulness of an enterprise which he would not explain. Gurney had offered to tell all and Garnet had agreed to hear, if it were told under the seal of confession. Garnet protested that he was horror-struck, but could not say that he had taken any effective measures to defeat the plot. Evidence in his own handwriting showed that he held a view of the lawfulness of espionage which might lead even candid readers to put little trust in what he said. At such a time his condemnation was certain. He was executed on May 3. Oldcorn also suffered, and these were the only priests put to death for the Gunpowder Plot.

The Earl of Northumberland had fallen under suspicion through his friendship with Thomas Percy, and more especially because he had admitted Thomas a gentleman prisoner without requiring the oath of supremacy. He was sentenced by the court of Star Chamber to lose all his offices, to pay a fine of £5000, and to be imprisoned during the king's pleasure. He was not set free until 1561.

The recorded story of Gunpowder Plot presents some real and some apparent difficulties which have awakened doubt ever

since the reign of James I. Some have thought that Salisbury ^{again.} in his notice against the Catholics prompted a set of resolutions both in their wicked enterprise, or at least let them run their full course as in to render the discovery more speaking. Others have said that the discovery, at all events, was a tract carefully studied to amuse and excite the vulgar, the king's ministers having already come to a full knowledge of the plot by other means. The questions that could cannot be discussed in brief, because the evidence which would settle is bulky, and to discuss them at length is beyond the scope of this volume. It is enough to say here that in the judgment of those best qualified, to prosecute, the recovered story of *Compendium Fidei* recovers more likely to be true than any other!

Soon after meeting, the parliament was adjourned to January 22, 1606. Protestant, with a spirit of revenge, it set about making the condition of the Catholics still more grievous. Recusants to whom the fine of £20 a month was not owing, were reached by making the fine to rise two-thirds of their estates. A fine of £10 a month was set on every person harbouring a recusant or stranger who refused to go to church. Recusants were forced to take the sacrament once a year in the parish church under penalty of a heavy fine. A bishop or two justices of the peace might tender to any recusant who was not a nobleman an oath to the effect that the pope had no power of deposing kings, and that he would defend the king to the best of his ability, notwithstanding sentence of deposition. Every person going abroad to serve a foreign prince was to take this oath as oath of loyalty. Any person trying to withdraw the king's subjects from their allegiance or to reconcile them with Rome was to suffer as in case of high treason. By another statute recusants were forbidden the court and were not to remain in London or a space of ten miles round, unless they practised some trade or handicraft there, or had no dwelling outside those limits. They were excluded from the practice of law and medicine, and from any moral or military commissions. They might not receive Church patronage, or be executors or administrators, or act as guardians, or possess more arms than the justice should think

¹ See J. Gough, *What Was Compendium Fidei?* (1898), and the reply by E. B. Gifford, *What Compendium Fidei Was?* (1899).

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necessary for defence. They were declared Scots using as persons excommunicate. Penalties were imposed on all persons who should be married, or baptise their children, or bury their dead, otherwise than with the rites prescribed by the Church of England. Persons who had been sent out of the realm for their education might not inherit property until they had taken the oath against the papal power of the pope.

Neither the great crime of a few despotic men, nor the religious war which the Church of Rome was then waging against freedom in every land where she had power, got across this methodic persecution of the English catholics. Much as they suffered, they would have been still more submissive but for the policy of the crown. James and his son were not unwilling to have the catholics at their discretion, but did not wish to drive them to extremity. They would never enforce the penal laws with that rigor which the commons desired, and sometimes, to gain the friendship of catholic powers, they went near to suspending their operation altogether.

Consecration took another way of defending the realm against popery. It adopted the principle that resistance to the sovereign is in all cases condemned by the law of God. Such a principle might be turned against the puritan as readily as against the catholic. But it was rejected by James, who would not allow that, if he were ousted, another might be entitled to the obedience of his people. On this occasion, he used arguments which, however just in themselves, seem hard to reconcile with his favourite theory of government. Nevertheless the doctrine of non-resistance was generally accepted and taught by the clergy, until the arbitrary measures of James II. against the Church of England led them to reconsider the respective rights and duties of kings and their subjects.

The king was in need of a liberal grant from parliament. His financial distress was due partly to his own prodigality, but partly to general causes which we are apt to forget. The royal revenue was very inelastic. That part of it which came from the crown lands, or from the king's claim upon his tenants in chivalry, was in great measure fixed by usage and precedent. The different duties upon merchandise imported or exported, known as customs, tonnage and poundage, were granted for life at the accession of a new monarch, and were practically un-

changeable during his reign. The usual forms of direct taxation known as subsidies, tenths and fifteenths, although originally assessed on the real wealth of the taxpayer, had become fixed for lack of a new valuation and even tended to diminish. Parliament could grant as many subsidies, tenths and fifteenths as it thought proper, but the English, who had always been lightly taxed in comparison with their neighbours, were not prone to give freely save in time of war. Meantime the discovery of the American mines had caused a heavy fall in the value of the precious metals. In the seventeenth century silver had sunk to perhaps one-fifth of its value in the fifteenth. With the progress of civilisation government had become more costly. By dint of severe parsimony, Elizabeth had been able to meet all demands with no very liberal help from parliament in time of peace. But in the course of the war with Spain, rigorously though she contrived to enlist private capital and enterprise, she was forced, as has been noted, not only to ask for more subsidies, but to sell crown lands and to contract debts. For her successors there was only one safe and honourable policy; to practise thrift and to gain the goodwill of the people, so as to lead parliament towards a financial system more equal to the needs of a modern state. The Stuarts failed in both respects, and this failure was a prime cause of their downfall.

James never understood how to manage parliaments and he was lavish in ways which brought him no return of power or dignity. He wasted energy to maintain that general control over the public expenditure which is now supposed to be the function of the treasury, but which then could only be exerted by the sovereign. Still more did he want the business and grasp of detail necessary to keep down the rotting on his own court and household. He could refuse nothing to the courtiers and favourites who helped to amuse his idle hours. He had not reigned long, therefore, when his greatest councillors were alarmed at his poverty. In 1605 the ordinary revenue amounted to £315,000 and the annual deficit was about £50,000. A debt of £400,000 left by Elizabeth had risen to £715,000. The king had a fair claim to a plentiful supply, as hitherto he had not asked for a grant. The house, too, was gradually disposed towards the king by the fading of a common peril and a common deliverance. After some debate it agreed to

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vote three subsidies and six tenths and fifteenths, a sum of about £375,000, to be levied in six instalments and paid in full within four years. An addition of almost £100,000 a year to the revenue would have done much for Elizabeth, it hardly lightened the embarrasments of James. The house seized this opportunity for a bill to restrain the abuses of purveyance, but it was thrown out by the lords. Parliament was prorogued at the end of May, almost the only prorogation in this reign accompanied with a quarrel between the king and the commons.

In November, parliament met again to consider the proposals of the commissioners for a union between England and Scotland. This great work lay near to the heart of the king and he was ably seconded in the house of commons by Sir Francis Bacon, then at length rising to influence and pre-eminence. The commissioners proposed to establish freedom of trade between the two countries, with some exceptions meant to save the interest or position of either party. But the keen jealousy with which the English trader viewed the poor and pushing Scotswoman led the house of commons to reject the proposal. The commissioners also desired that natives of either kingdom should have the benefit of naturalisation in the other. According to the crown lawyers, all Scots born after the king's accession in England were at common law naturalised English subjects. The commissioners proposed, therefore, that parliament should pass an act declaring this class, the so-called *Part-nati*, to be already naturalised, and another act naturalising Scots born before the king's accession, the so-called *Ante-nati*. But here also they encountered an obstinate resistance in parliament. The king's extravagant favour to his countrymen made Englishmen fear that the *Ante-nati*, once naturalised, would get far more than their share of office and patronage in England. Many thought that the country would be governed by Scots and that their own people would be starved. Bacon sought to raise the debate above these prejudices, urging that there was ample room in England, Ireland, and the plantations beyond the sea for a people so active, hardy, and industrious as the Scots, whose union with the English would insure the future greatness of the kingdom.

After a conference with the lords the committee proposed to naturalise by statute all Scotsmen alive, while excluding those

from a large number of officers and advising that those who held property in England should be subject to the same burdens as other people. A little later they proposed to establish identity of laws in both countries. Seizing the opportunity, the king in person urged the houses to pass the bill of naturalization and leave all further approaches to union for future debate. But whatever advantage he might have gained, was lost in an adjournment of three weeks. When they re-assembled the commons showed their former indifference and would do no more than repeat those statutes which treated Scotland as a hostile country on condition that the Scottish parliament should do the same. When parliament was prorogued in July, 1507, the king, seeing that he could not hope for a general act of naturalization, resolved at least to have the authority of the judges in support of the doctrine that the *Post-mortu* were entitled to all the privileges of English subjects. The point was raised by means of a suit for land brought in the name of Robert Colvill or Calvin, an infant born in Edinburgh in 1505. After having the question of law argued in the exchequer chamber, the chamber, Commons, and tenout of the twelve judges declared Colvill to be a natural English subject. The status of the *Post-mortu* was thus decided, and every year rendered the status of the *Post-mortu* a matter of less consequence.

James was so sorely displeased at the temper of the commons that he resolved to defer another session as long as possible, and parliament did not re-assemble for more than two years. Finding his revenues still too small, he was the more inclined to take advantage of a decision given in his favour by the court of exchequer in 1506. This decision threw water on it as against that long controversy on taxation which, next to the controversy about religion, fed the mutual enmity between king and parliament.

Parliaments had first come into being because kings wanted money. They were called to grant new taxes, and they strove to make their consent necessary before a tax could be raised. But medieval statesmen were not to have had any general term for taxation nor any idea corresponding to such a term. Even Magna Carta converts each of the statutes passed to remain the royal discretion in this matter spoke of particular taxes or kinds of taxes which at the time were felt to be grievous.

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one. The language of these statutes was often vague, especially as regards the duties on goods imported or exported. Some forms of indirect taxation were expressly forbidden. Other forms of indirect taxation were from time to time authorised by parliament until it might fairly be deemed irregular to take them without that authority. But nowhere could there be found a plain prohibition against levying any indirect tax whatsoever without the sanction of parliament. Such statutes as restrained the crown were construed by the courts in the narrowest spirit. The Tudor sovereigns occasionally ventured on levying duties by their own prerogative as a means of protecting native commerce or applying pressure to unfriendly or hostile neighbours. These remained, therefore, a margin of doubt as to the king's power of indirect taxation.¹

An imposition upon currants of 3s. 6d. the cwt. had been levied in the former reign, at one time by the crown, at another time by the Levant Company in virtue of its exclusive privilege. Soon after the accession of James the Levant Company surrendered its charter, but the crown kept up the imposition on currants. In 1600 a merchant named John Bais raised the question as to its lawfulness by sending a quantity of currants from the quay before duty had been paid. He was summoned before the privy council, where he declared that the imposition was illegal, and was sent to prison for contempt. The crown then resolved to obtain a judgment of the court of exchequer, while the merchants appealed to the house of commons. The house put into its petition of grievances a demand that impositions should no longer be levied, as they had never been granted by parliament; but the barons of the exchequer gave judgment in favour of the crown. Their decision, important for the matter in hand, was still more notable for the grounds on which it was based.

It was laid down by Chief Justice Fleming and by Baron Clarke that, since all the ports of the realm belonged to the king, he might at his discretion forbid the passage of any person or any goods into or out of the kingdom, and might, therefore, demand any man he pleased for stopping such passage. Nor was this all. It was asserted that the king's power was double;

¹See H. Hall, *A History of the Customs Revenue of England*, vol. 1, chaps. II., III., IV., for a detailed statement of the case on behalf of the crown.

ordinary for the profit of particular subjects, absolute for the general benefit of the people, and that this absolute has varied according to the whims of the king. Thus the undoubtedly large and indefinite power which the crown had exercised over the ports and over foreign commerce, and which the public had acknowledged for the supposed good of the nation, might be treated as a means of holding the subject in ransom. Moreover, the king was held to possess a power limited only by his own conscience of doing whatever he might think conducive to the public weal. By the simple expedient of alleging the general welfare as his motive he might do with his subjects exactly as he thought proper. As England was fast becoming a great commercial country, these doctrines gave the crown an inexhaustible revenue independent of parliament. Indeed they rendered parliament useless, not for taxation alone but for every other purpose. Whatever we may think of the exposition of the law in *Habeas* case we cannot wonder that the remarks given for the judgment alarmed the house of commons.

Yet the question might have shattered, had not the judgment of the court of exchequer been followed by the levy of new impositions. Dorset died on April 29, 1661, and was succeeded as lord high treasurer by Salisbury. He found the king almost penniless. The whole annual revenue amounted to £457,000, the ordinary expenses to £500,000, and the extraordinary expenses, to £500,000, while the debts had risen to nearly £1,000,000. Among other devices for improving the revenue, Salisbury put forth a new Book of Rates, as it was called, which imposed fresh duties reckoned to bring in £70,000 a year. In order to gain option, these impositions were laid chiefly on articles of luxury or on foreign manufactures which competed with native industry. In a few cases old impositions were actually diminished. By severe economy, by enforcing every profitable right and by selling crown lands, Salisbury in two years reduced the king's indebtedness from £1,000,000 to £500,000. But he could not thus become permanently to a level with expenditure, and in a short time the last payments due on account of the subsidies granted in 1666 would have been received. Then the deficit would become as large as ever and debts would again become overwhelming. At the beginning of 1669 it was apparent that parliament must again be summoned.

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The parliament re-assembled on February 9, 1520. Since their last meeting various causes had tended to widen the chasm between the commons and the government. Ecclesiastical differences were in no respect abated. The king's claims to levy impost-taxes appeared more dangerous the longer it was considered. The king kept up the Tudor practice of issuing proclamations which related *utroque* penalties for old offences or even created offences unknown to the common law. The council of Wales had asserted its claim to jurisdiction over the four border counties, Gloucester, Hereford, Flint, and Shropshire, a claim perhaps justified by a statute of Henry VIII, and certainly supported by precedent, but claiming inasmuch as it conferred an exceptional administration of justice in a region remote from the rest of the kingdom.¹ The ecclesiastical courts had been in constant feud with the courts of common law. The judges, with Coke at their head, claimed authority to tie the hands of all other jurisdictions and to issue writs of prohibition whenever these bounds were transgressed. The council of Wales and the ecclesiastical interests sought and received the support of the king, who left partial to courts entirely dependent upon his favour, while the courts of common law had the sympathy of the legal profession, which supplied a large and active part of the bones of commons. In brief, the commons met with the disposition to call for redress of grievances, while the king was concerned above all things to obtain supply.

One subject of complaint especially deserves to be noticed for the light which it casts upon the habits of thought prevailing at that time. Dr. Coveril, reader in civil law at Cambridge, had published a law dictionary entitled *The Interpreter*, in which he asserted that the King of England was an absolute king, and therefore had plenary legislative power. No liberty of political discourse outside parliament then existed, nor did any great number of men understand such liberty. No book could be printed without a licence, and therefore every book treating of politics seemed to have the sanction of the state. If persons thought its teaching unwise and mischievous, they called on the state to remedy the wrong by

¹ *The Black Book, The Council in the Marches of Wales*, etc., 12.

suppressing the book and punishing the author. Now were they without a relative reason for the demand. If the crown and the Church defended their authority by silencing criticism, the commons could not well be denied the same privilege. Freedom for one school of thought does entitle the wrong done in suppressing every other. The commons were therefore determined to set a mark upon Dr. Cowell and his dictionary.

When Salisbury had stated the king's wants at a conference between the houses, the commons referred the subject to their committee of grievances. The committee advised that the house should treat with the king for the redemption of the feudal tenures. Salisbury had no instructions to do so, but he asked for a grant of £100,000, partly to pay off the king's debts, partly to meet extraordinary charges, and for a permanent annual addition to the revenue of £100,000, which would give the king a large surplus. As much was demanded from the commons, they could make themselves heard. When they denounced Cowell's *Interpretor*, James agreed in condemning that work and ordered its suppression. When they asked leave to treat for the abolition of the military tenures, he consented. They began with proposing that the king should give up his feudal revenues for a fixed annual sum of £100,000. The king would have gained by this bargain, but he refused to part with his feudal rights unless he were put in possession of a revenue more than equal to his expenses. He therefore made Salisbury demand £100,000 a year in addition to an equivalent for the feudal revenues, and as the commons would not consider these terms, the negotiation was broken off for the time.

The commons then proceeded to discuss the imposition. On May 11, they received a message from the king forbidding them to question his prerogative, but when it was found to have come merely from the council in his absence, they refused to treat it as a royal message. On returning to town, James sent for the houses and asserted peremptorily his right to levy impositions, although he promised not to levy any fresh ones without leaving what they had to pay. The commons were not to be silenced, then. They drew up a petition of right insisting on their claim to debate freely all the grievances of the subject and asking that they might be allowed to proceed with the inquiry into impositions. James, who could not afford

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When the king had soothed the commons by leaving them free to debate the impositions, Salisbury revived the negotiation for ending the military tenure. After some bargaining the parties agreed that the king should receive £200,000 a year, but the commons intended this sum to cover the extinction of purveyance and certain other onerous rights of the crown. Even so the king would have gained a clear £100,000 a year. But, as the matter was far advanced, the determining how this revenue should be raised was left over to the autumn. On July 21, James prorogued the parliament in a tolerably good humour. He promised to consider their petitions as to the extent of Wales and the claims of prebendations, but, while yielding some points of detail, he remained immovable on the general ecclesiastical question.

In the mean James appointed Coke, now chief justice of the common pleas, as to the legality of his proclamations against new buildings in London and against the manufacture of starch. Coke advised with Fleming, who had been made lord chief justice, with Chief Baron Tindal and with Baron Altham. Their joint answer was to the effect that the king could not create a new offence by proclamation nor make an offence punishable in the Star Chamber which was not by law within its jurisdiction. All that he could do was to warn his subjects to keep

the law, with the consequence that neglect of the warning would expose offenders to severe punishment. This opinion of the judges was not challenged at the time, and has since been accepted as authoritative. It even restrained for a while the issue of proclamations making new offences.

When parliament met once more in October the commons were unwilling to go on with the bargain for the extension of military tenures until the king had redressed their grievances. The king on his side had come to the conclusion that the terms offered earlier in the year were not favorable enough. He asked his demands and the commons replied that they could not make their offers. Thus the long negotiation, sometimes described as the Great Contract, ended, much to Salisbury's vexation, and a valuable reform was postponed for half a century. As the king still needed money, he allowed Salisbury to offer redress of certain grievances in return for a grant. The commons, no longer in the giving mood, thanked the king, but told him that they expected more. Unsettled things were said about royal profusion and Scotch levies. The most highly favored of them, Robert Carr, took alarm and used all his influence to irritate the king against the commons. Hopes of a supply, James dissolved the parliament on February 9, 1621.

The first Stuart king thus perished in ill-humor with his first parliament. He and his successors were to part in like fashion with every parliament which they called down to the time of the Revolution. There could be no more convincing proof that these kings did not understand the temper of Englishmen or the art of managing popular assemblies. James had no intention of abusing his authority. In spite of much arrogance and pendency he often yielded points of real consequence. On one or two subjects, such as the treatment of the Roman Catholics and the union of the two kingdoms, his views were larger than those of the majority in the house of commons. But he lacked insight and sympathy. His manner, at once unyielding and overbearing, roused neither fear nor affection. He challenged resistance by the constant assertion of his absolute power. Above all, he refused to make any serious concession in important affairs. In his early years at all events very slight concessions would have sufficed, if not the dogmatic posture, at least that great body of moderate Englishmen apart from which they

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were powerless. But the unity of the monarch had been too deeply wounded in Scotland, the unity of the theologian was too much gratified in England, for James to yield one jot or tittle. And so was opened that ill business the king and his people which widened year by year until it became civil war.

Archbishop Banehead died in November, 1612. In the following January the king named as his successor George Abbot, Bishop of London. It cannot be said that Abbot owed this elevation either to pre-eminent talent or to conformity with the king's views regarding the dispute of that day. At Oxford Abbot had risen by the usual stages to the mastership of University College. Having become chaplain to the Earl of Dunbar, the most trusted of the king's ministers in Scotland, he had rendered valuable service to the crown in its dealings with the Scottish clergy. He was rewarded with the see of Lichfield and Coventry, then with the see of London, and finally with the highest office in the Church. But he never sought to hide his opinions, which were those of many princes in the former generation. That is to say, he held with the puritans in doctrine, while he considered that all men should comply with the actual government and worship of the Church as enjoined by the law of the land, and in no respect contrary to the law of God. While he was inclined to deal tenderly with the scruples of the puritans, he had less reserve with the rising Arminian party, and more than once engaged in angry debate with their champion and his own successor, William Laud.

The first years of the reign of James I are memorable in the history of Ireland. A few days after his accession the submission of Hugh O'Neill, Earl of Tyrone, to the Lord Deputy Mountjoy announced the close of that slow and interrupted conquest by Elizabeth which for the first time really brought every part of Ireland under the power of the English crown. There remained the harder task of reconciling the conquered with their fate and raising a backward and half-raised country to the same degree of civilization as England.

Now that the feudal sway of the Norman-Irish nobles and the patriarchal rule of the Celtic chiefs were displaced by the direct rule of the sovereign, it was natural that English law and English institutions, hitherto almost unknown outside the Pale, should be extended over the whole kingdom. As the most

enlightened men of that age little knew how the laws and maxims of a people grow out of their character and condition, it was natural that the change should be made abruptly. The endeavour of modern English administrators to understand native usage and adapt it to English notions of government was far beyond the wisdom of the seventeenth century. Yet even the revolution implied in substituting the English law for the British law might have been made aduantageous. The ancient institutions of Ireland had cramped the growth of national life, had made conquest by foreigners inevitable, and had not created the willow of the rose of the people. The real gains of peace, order, and security, secured by an invincible power, might have reconciled most Irishmen to a system which, though foreign, would have allowed them to share in the general progress of Western Europe.

But there were two disturbing causes which fatally hindered the successful conduct of this great experiment. One was religion and the other was agrarian. As it was then the general belief that in one state only one Church should be allowed, it was inevitable that the English conquerors of Ireland should everywhere insist the reformation, leaving the Roman catholic religion to exist on sufferance or to be repressed so far as might seem prudent. And since the Irish, still a conquered, in many respects a primitive people, had no part in the thoughts and feelings which gave birth to the reformation, but associated persecution with submission to alien, it was natural that they should reject the religion forced upon them and become what they had not yet been, fervent Roman catholics. At a time when a standing army was an institution unknown in England and when the revenues of Ireland could ill maintain a handful of troops, it was natural that the English conquerors should maintain the system of plantations or colonies, first adapted under the Tudors in the foolish hope of forming a permanent garrison and of meeting all danger of revolt by Anglicising the children of the soil. And since the government was always weak against the suggestion of greedy and powerful men, the system of plantations was further and further enlarged till it became the means of turning the Irish wholesale off their lands and leaving a terrible pension for poverty and for vengeance.

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The general result was that a policy which aimed at making the Irish English failed of its effect and instead formed, out of a population hitherto split into countless fragments by tribal and feudal hatreds, a nation united in itself and parted from its conquerors by deep and growing antipathy. In strict justice the blame cannot be wholly laid upon any one person, party, or act in England. True although the parliament, when they had power, showed themselves kinder and more merciful in the government of Ireland than any of their predecessors, it must be remembered that the rebellion which called forth their fury had been prepared by the injustice and anarchy of James and Charles and their ministers. Nor were rulers only to blame. There was a great gulf fixed between the thoughts and feelings of the two peoples. English civilization does not attract alone and of all great conquering races the English are the most exclusive. In two centuries the Romans Latinized the vast Celtic population of Gaul. In seven centuries the English have not achieved as much with the small Celtic population of Ireland.

Montjoy had to quell a catholic movement of resistance in the southern towns before he could return to England. He was made Earl of Devonshire and lord-treasurer, but did not resume the administration. In his place there came as deputy, first Sir George Cary and then in October, 1804, Sir Arthur Chichester. Chichester was a statesman who saw the object which an English ruler of Ireland should pursue and to some extent the means which he should employ. He earnestly desired to end the rule of the sword and to make English law popular by making it beneficial. In the spring of 1805 he revoked most of the commissions which had been granted for executing martial law and ordered a general disarmament. A pardon was proclaimed for all offences committed before the king's accession, and the common people were promised protection against wrongs, whether by their lords or by the officers of the crown. Following a practice adopted under Elizabeth, the government made grants of forfeited lands to English and to loyal Irish on condition that they should assign freeholds to a certain number of cultivators in return for a fixed rent. Irish proprietors were encouraged to surrender their lands and receive them back on English tenure with a similar provision for their dependants. It was hoped that man-

the seizure of their holdings would be led to reflect on them better and, in becoming prosperous, would become contented. It was designed that these freeholders should have the same political rights and duties as in England. For whatever faults the rulers of Ireland might at the time commit, they did not intend that entire exclusion of the Irish from the government of their own country which was carried out a hundred years later.

This healing policy had its effect in the containment of a great part of the people. The judges, going *circum* in *divines* habits, visited by them, were plain welcomed as protectors of the weak against the strong. The Celtic aristocracy were early aggrieved, it is true, to find their former almost princely sway cut down by the amenable power of the government above and the new legal rights of their dependants below. But had the chiefs since been malcontent, the situation would have been temporary. Other causes did more to disappoint Clanchester's hopes.

In Ireland, as in England, the catholics had hope of intercession from James, and in Ireland, as in England, their hopes were disappointed. James ordered that all persons should attend the Church service and that all priests should be banished. Clanchester gave effect to these orders by means of the arbitrary jurisdiction of the court, known as the Castle Chamber, and when the catholic lords and gentlemen of the Pale petitioned for a respite, some of them were imprisoned. Complaints of this hard usage reached England, and the privy council asked the Irish council for an explanation. Although the Irish council sought to justify what had been done, it abandoned the attempt to drive the catholics into the churches of the established faith. Nevertheless, a precious opportunity had been thrown away, and the Irish were confirmed in the belief that the government was the enemy of their religion, only restrained by a sense of weakness from suppressing it altogether. At the very time the established Church was in a condition which allowed of little hope that it would gain willing adherents. During the long disorders of the sixteenth century an immense amount of ecclesiastical property had been seized by laymen, and a great number of churches had fallen into ruin. In many places there was no livelihood for an incumbent, and no business to be done,

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For want of any controlling public opinion, patronage had been abused in such a shameful manner that a large proportion of the clergy were inefficient or scandalous in their morals. Pluralities and non-residence were flagrant throughout the kingdom. In most parts the Church services were not celebrated, nor would their celebration have availed much, for the protestant clergy, as a rule, spoke only English, while the mass of the Irish spoke only Gaelic. Chichester tried to improve matters, and care in his choice of bishops and caused the Prayer Book to be translated into Gaelic, but his endeavours left hardly any abiding trace.

With regard to further plantation, Chichester's views, at least in the beginning of his rule, were moderate. He proposed to settle English and Scotch colonists in Ulster, but only on the abbey lands already vested in the crown. The course of events led him on to a much more sweeping plan of colonization. The Earl of Tyrone could not but feel dissatisfied with his present state and anxious for the future. Although he had saved his lands and honours, and had received the king's own assurance of protection, he, the great O'Neill, who had been an all but independent prince and the chief of a national spring, was now no more than an ordinary noble, without the sense of security which other nobles enjoyed. He had many disputes with his dependants, who hoped to gain recognition as freeholders. He might expect the government to take their part in the hope of weakening a subject whom it must continue to fear. He had probably become acquainted with Chichester's report to Salisbury, that Ulster would never flourish until it was directly ruled by a president and council, a change which would take away the last remnant of his immemorial power. Whether he began to contrive a new rebellion or whether the English rulers accused him of plotting in order that they might ruin him and seize his possessions, is still doubtful, and it cannot be said that either alternative is unlikely.

Tyrone's bitterest quarrel was with his chief vassal, Sir Donnell O'Cahan, who claimed to hold directly from the crown. They argued their case before Chichester in council, and the attorney-general, Sir John Davis, recommended that the crown should enter upon the lands to the exclusion of both claimants. The deputy declined to take such an arbitrary course, and, as

both parties desired a judgment of the king himself, James undertook to give them a personal hearing. But when the time drew near Tyrone changed his mind and came to the conclusion that, if he once set foot in England, he would never be allowed to return. How far his fears were justified and what prompted them are questions still obscure. A little while before the government received warning that a new rebellion was preparing and that Tyrone was almost certainly one of the leaders, if that were really so, or if Tyrone knew that he had been accused, though falsely, his resolution to flee admits of explanation. On September 4, 1600, he sailed from Lough Swilly for the continent. He never again beheld his native land, and died at Rome in 1606.

With him went the head of the next greatest Celtic house in the north, Rory O'Donnell, Earl of Tyrconnel, who had been named among the principals in the latest plot, and thought it no longer safe to remain in Ireland. With the two earls went also Caconnaught Maguire, chief of Fermanagh, who had fought against the English in Tyrone's rebellion, and who was also accused, probably with reason, of preparing for another. It was certain that in all these cases flight would be taken as proof of guilt and would be followed by judgment and the forfeiture of their hereditary possessions. In the following year Sir Cahir O'Dogherty, chief of Inishowen and one of Tyrconnel's chief friends, raised a foolish and hopeless insurrection which ended in his death and forfeiture. In the same year trouble overtook O'Callan, Tyrone's brother-in-law and enemy, and Sir Piers Gars O'Donnell, who had once claimed the chieftainship of his great clan. Through these events all the Celtic chiefs of most consequence in the north of Ireland were removed, six counties, Tyrone, Donegal, Antrim, Coleraine, Carrick, and Fermanagh, were bestowed to the crown, and the way was opened for the memorable plantation of Ulster.^a

Chastillon advised the king in disposing of these lands to allot among the old inhabitants as much as they could stock and cultivate, and only then to divide the residue among English and Scottish settlers on condition of building castles to ensure the

^a *Calendar of State Papers, Ireland, James I., vol. III., generally;* J. O'Donovan, *Journal of the Four Masters*, vol. vi.; *History, Past and Present of Tyrone and Tyrconnel*.

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possessions of the country. But the commissioners appointed to draw up a scheme paid no regard to vested interests, treating the whole territory as something which might be freely apportioned between natives and settlers. There were to be three classes of grantees; English and Scottish settlers, servants, that is, old servants of the crown, civil and military, and native Irish. The land was to be divided into portions of 2,000, 1,500 or 1,000 acres apiece, and the greater and better part was assigned to the settlers, who were each to build a castle or a walled enclosure containing a stone house. They were not to alienate their land to Irishmen or to let Irishmen hold under them. The Irish cultivators were to be removed to such lands as had been assigned to their countrymen or to other desolate parts of Ireland. The estimates of the total acreage forfeited and of the proportions assigned to English and Scotch settlers, servants and natives differ in the most bewildering fashion. But the fact remains beyond dispute that a large proportion of the most fertile land of Ulster was torn from native proprietors, who had mostly committed no overt act of rebellion, and given to foreign colonists. The city of London alone received almost the entire county of Cavan, undertaking, amongst other things, to rebuild the ruined town of Derry, which thus gained the new name of Londonderry, afterwards extended to the county.¹

As in former plantations, the designs of the government were imperfectly executed. Some of the undertakers who received lands never came near them, and the native peasantry in most places remained on the soil as labourers under new masters. Yet the Ulster plantation was in one sense successful. It grew into a powerful and prosperous colony large enough to keep its distinctive character. The natives who had no share in its splendour remembered with implacable hatred how they had been robbed of their lands, and the plantation under James was the direct cause of rebellion and massacre under Charles. Other plantations in Woodford, Longford, and the district of Ely O'Connell were undertaken in the later years of Charles's government with as little regard for justice and humanity. The policy of dividing the people was never and

¹ *Calendar of State Papers, Ireland, James I., B., 281*; Miss Wilson, *Ireland in the Seventeenth Century*.

were abandoned for the policy of turning them off the land. The Irish remained in a constant fear of attack upon their religion and their property which kept alive all the bitter memories of the past and the hunger for revenge and freedom in the future.

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Almost at the same time with the plantation of Ulster was founded the colony of Virginia, a term which then included a vast and indefinite portion of North America. Two attempts to colonize there had been made without success under Elizabeth. In 1585 an expedition promoted by the Earl of Southampton and commanded by Bartholomew Gosnold had visited the coast of North Virginia, the region known later as New England. With the conclusion of peace Englishmen again turned their thoughts to Virginia under the mistaken belief that gold might be found there. Sir Ferdinando Gorges, governor of Plymouth, Chief Justice Popham, and other men of note, resolved to found a new Virginia colony. In April, 1606, the king granted a charter which declared Virginia to extend from the thirty-fourth to the forty-fifth parallel of north latitude and established two joint-stock companies to colonize, the one Northern and the other Southern Virginia. The companies were to bear all the charges and to reap all the profits of colonization, but they were to act under the supervision of a council at home chosen by the king. Each colony was to be administered by a council on the spot, chosen in the first instance by the king, but afterwards filling up its own vacancies. The settlers were to enjoy all the liberties and franchises of Englishmen at home, but they were not given any share in the government.

The company for colonizing Northern Virginia, being chiefly composed of west countrymen, came to be known as the Plymouth Company. In May, 1606, it sent forth an expedition which struck the coast of what is now Maine, and founded a small settlement on the Kennebec River. But the settlers, finding no gold and suffering many miseries, lost heart and returned to England in the following year, leaving that region to be occupied some years later by men whose religious enthusiasm had stood alike gain and danger. The company for colonizing Southern Virginia, known as the London Company, sent

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set in December, 1606, three small vessels carrying 105 persons, and commanded by Captain Christopher Newport. On April 26, 1607, they made the mouth of Chesapeake Bay. They then explored what has since been known as the James River, and at length chose a site on which to build Fort James, better known as Jamestown, the first enduring settlement of Englishmen on the North American continent. But miserable was the beginning of a work destined to such wonderful success. Disease and want swept away half of the little band before the close of 1607, while floods within and the dread of the Indians without filled up the wretchedness of the survivors. In January, 1608, Newport, who had gone back to England with a cargo, returned with supplies and a reinforcement of 120 men, and in September he returned yet again with more. But these settlers, unaided in useful labour and distracted with the hope of finding gold, could not raise their own food, and would have died had they not got some corn from the natives. That the colony survived so many hardships and so much misconduct was due chiefly to the energy and resource of one bold adventurer, the famous John Smith.

The company then desired and obtained a new charter, dated May 23, 1609, which remodelled all the provisions of the first. It declared that the sphere of the company should extend 200 miles north and 200 miles south of Old Point Comfort. It abolished the dual system of a council appointed by the king to govern while the company was in trade, and named a new council, in which vacancies were to be filled by the choice of the members of the company, thus ensuring the company's independence. It also abolished the local council in Virginia, transferring the administration to a governor with absolute power appointed by the council at home. The first governor was Thomas West, Lord Delaware. Nine ships with 500 Irish settlers were despatched to Virginia. One of the ships was lost at sea and another wrecked on the Bermudas, and those recruits who at length reached Jamestown proved far worse than any who had gone out before. Again cold and hunger and disease so ravaged the colony that in May, 1610, there remained but sixty starving wretches. When the shipwrecked men from the Bermudas arrived, the whole company resolved to abandon Virginia and sail for Newfoundland. But

before they had reached the mouth of the river they met Lord Delaware coming up with three ships. He readily persuaded them to turn back, and with the fresh hands and supplies that he brought succeeded in re-establishing the colony, which throve under his firm and just rule. Although he was soon disabled by sickness and forced to return, he had given an impulse which was never lost, and by 1622 the English population of Virginia numbered 4,000 souls.

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Scotland, although united with England under one king, still retained unlike the southern realm in almost all respects. There James steadily pursued his great aim, the absolute consolidation of all classes to the crown. In the Scottish parliament the nobles alone were fully represented, and the nobles he had already brought into subjection, while his residence in England rendered useless those sudden risings and attempts to seize the person of the king to which the nobles had been so much addicted in the first period of his reign. Moreover, the nobles were for the king against the Kirk, some because at heart they clung to the Church of Rome, more because they disliked the restraints imposed by a system at once ascetic and democratic. But the Kirk, in spite of reverses inflicted by James, was still powerful and haughty enough to awaken all the jealousy and dislike that he was capable of feeling. Its strength lay in the devotion of the middle class and in its organization, popular and independent of the royal will, which gave the general assembly the force of an ecclesiastical house of commons. James had, with much trouble, revived the episcopal office, but the bishops, with little power and less moral influence, formed no living part of the ecclesiastical system on which they were imposed by the will of the sovereign. He resolved, however, to go on with his work, to cripple the presbyterian system and to enlarge the authority of the bishops.

By law a general assembly should have been held once a year, although the time and place were to be fixed by the king. James after becoming King of England resolved to have no more general assemblies, and therefore prorogued the assembly which should have met at Aberdeen in July, 1624. In June, 1625, another prorogation was announced. Nevertheless, nineteen ministers met at Aberdeen, constituted themselves an

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assembly and chose a moderator. Thence the king's attendants, Sir Alexander Strassart of Larnock, interposed, and bade them return to their homes under pain of outlawry. He afterwards alleged, and they denied, that he had warned them beforehand not to assemble. Six of these wanderers were called before the council in Edinburgh to receive sentences for their transgression, and on refusing to acknowledge its jurisdiction were prosecuted as mutineers, and by much struggling of the law were convicted. But public feeling forbade their execution, and they were only banished, while some of their brethren were confined to various places within the kingdom. James did not allow a general assembly to meet till 1610.

In the meantime the king was free to carry out the restoration of episcopacy and perfect his own control over the Kirk. The parliament of 1603 gave him power to endow the bishops with Church lands in the possession of the crown, and declared his authority supreme over all persons and causes whatsoever. In 1606 the king, of his own prerogative, set up a court of high commission in each of the two archiepiscopal provinces of St. Andrews and Glasgow. In the same year a general assembly chosen under royal influence and sitting at Glasgow made the bishops moderators of the diocesan synods with power to ordain ministers and to exercise discipline. Archbishop Spottiswoode and two of his brethren then went to England to be duly consecrated. Thus James achieved his greatest success as King of Scotland. Not content with asserting that the civil ruler had no jurisdiction over things spiritual, the protestant clergy had encroached on his province, had claimed to speak in politics with the authority of prophets of the Lord, and had rated and menaced him in case of his not obeying. He had retorted by putting them under the control of men who were really his instruments and would be swept away but for his power. Yet his victory was as superficial as the means to it had been violent and unfair. The majority of earnest protestants in Scotland, overruled but not convinced, were still protestant at heart, and nothing proved more fatal to the house of Stuart than the alliance between the bishops and the crown.

The union of the crowns, which had given James such an advantage over the Kirk and the nobility, also enabled him to take severe, and in some degree, effective measures against the

lawless inhabitants of the borders, highlands, and islands. Soon after his accession he named commissioners with very ample powers for the pacification of the borders. Many real or supposed criminals were hanged; multitudes were banished; those who remained were disarmed; and although the difficult country and its fierce inhabitants could not be transformed in a few years, the old anarchy of the borders was quelled for ever. To the highlands the extirpation of the clan Macgregor was a terrible lesson. The chiefs of the southern Isles were brought by mingled force and cunning to join in the bond and statutes of localities for the furtherance of order and civilization among these people. Repeated although unsuccessful attempts were made to plant a Saxon colony in the remote island of Letch. But the highlands were saved by their vast extent from the fate of the borders and it was only on their outskirts that the king was really stayed.

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For some years after the treaty with Spain, English foreign relations were simple and uneventful. The suggestion of a marriage between the king's eldest son Henry, who was created Prince of Wales in 1550, and an infant was renewed once or twice, but was not taken seriously. Several causes kept up irritation between the two kingdoms. In spite of the treaty Englishmen in Spain were often molested by the Inquisition. English ships trading, not only to the Indies but to the Mediterranean, often suffered at the hands of the Spanish authorities wrongs for which it was hard to get redress. From time to time the English government heard of plots against King James encouraged by the Spanish government. When the Dutch and the Spaniards, after wearying by the action war, seemed about to make peace, the king and Salisbury were at first alarmed by the thought that the Spaniards would then be free to attack England. In June, 1564, they made a treaty with the United Provinces for mutual defence in case either should be assailed by Spain. But since Philip would only acknowledge the independence of the United Provinces on conditions which the Dutch declined, the negotiation ended, not in a definitive treaty, but in a twelve years' truce, signed on March 30, 1566. Thus the first period of war arising out of the Reformation closed and Europe had an interval of rest before

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In Germany the two religions had not yet come to a decisive trial of strength. Each prince had the right to determine the religion of his own territory, and every territorial gain was precious to the one side or the other in view of the approaching struggle for existence. John William, the catholic duke of Cleves and Juliers, died in March, 1609, without male heirs. His dominions were of some account in themselves and of the utmost strategic value in case of a general war between catholic and protestant states. Among those who claimed the succession the Electoral Prince of Brandenburg and the Count Palatine of Neuburg, both protestants, could allege the best title, but the Emperor Rudolf, asserting his jurisdiction in such cases, ordered the Archduke Leopold to sequester the territory until he had given sentence. Leopold invaded the duchies and took the towns of Juliers, whereupon the claimants appealed to such foreign powers as were likely to uphold the protestant cause, or withstand the house of Hapsburg. The kings of France and England and the United Provinces promised their assistance and the confederacy of German protestant princes, known as the Evangelical Union, took the same side. The emperor might have expected support from his cousin, the King of Spain, and from those German princes who had just formed the Catholic League. But the catholic forces were so unequal to the contest that a protestant victory seemed certain, when Henry IV. was murdered by Ravaillac on May 14, 1610.

His widow, Marie de Medici, a weak and devoted woman, succeeded to the government of France, and Henry's plans were laid aside until they were resumed by Richelieu. But the princes of the Union had already armed, and the English and the Dutch governments had each agreed to send 4,000 men to their aid. The Dutch troops were to be commanded by Maurice, Prince of Orange, and the English by Sir Edward Cecil, nephew of the treasurer. Even Marie de Medici could not afford to leave Juliers in the possession of the Archduke Leopold, and promised a contingent. Before it could arrive, Maurice, with the Dutch, English, and German troops, had begun the siege of Juliers. The town surrendered on August 22

and was entrusted to the princes of the Union. James was unwilling as Made de Medici to proceed further in the debate concerning the succession to the duchies, which remained open for many years, but he concluded a defensive alliance with the French, which was the more necessary as the murder of Henry IV, had shaken the balance of Europe. He also encouraged a proposal that his daughter Elizabeth should marry Frederick, the young elector palatine, the foremost among the Calvinist princes of the empire. James thus appeared ready to follow in the footsteps of Elizabeth, and to take those measures against a catholic reaction on the continent which would naturally be expected from the most powerful of protestant sovereigns. To watch over the safety of the protestant Churches, while refusing them aggression upon the Church of Rome, would have been a noble, although difficult policy, which might have made James powerful abroad and popular at home. But his own feelings urged him in a different direction, where success proved impossible and failure agonising.

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CHAPTER III.

THE RISE OF GARE AND OF WILLIAMS.

CHAP. 21. AFTER James had dissolved his first parliament ten years passed with only a single session, that of the brief and stork parliament which met in 1534. As the king was unwilling to encounter the house of commons, he should have studied economy, but the habits which he himself deplored were incurable. His evil proclivity to favourites and the dishonesty of his servants became more scandalous than ever. For the time some relief was got by shifts and devices. Many counties agreed to compound for release from the royal right of purveyance. In order to meet the deficiency of the Irish revenue, the new dignity of baronet was instituted and offered for sale. All persons of good repute, being knights or esquires and possessed of land to the value of £1,000 a year, might become baronets by paying £1,000 in three annual payments. Salubrious resigned for the king's benefit his very substantial profits as master of the court of wards. Such expedients could at best delay the evil hour when a new parliament must be summoned.

Anabella Stuart, the king's cousin, whom some would have welcomed on the death of Elizabeth as sovereign in his stead, had disarmed resentment and suspicion by her gentle and retiring demeanour. James had treated her well, had augmented her pension, and had given her a place in the circle of ladies immediately surrounding the queen. For a while she declined all offers of marriage. In 1539, on some ground now unknown, she was arrested and brought before the council, but cleared herself so completely that she was at once restored to freedom and to favour, with the king's assurance that she might marry any of his subjects who could gain her heart. The unhappy caprice of love, it should seem, rather than ambition led Anabella

soon afterwards to plight her troth to young William Seymour, son of Lord Breachampton and of Catherine Grey, and great-grandson of Mary, Duchess of Suffolk, the younger sister of Henry VIII. Their marriage would have blended Arabelle's rights in the order of succession with the rights of the house of Suffolk, which by the will of Henry VIII. was to have taken the crown after the failure of his own descendants. We cannot wonder, therefore, that when their mutual pretence became known, Arabelle and William were questioned by the council and commanded by the king himself to lay aside all thought of marriage. They promised to do so, but the young cannot always sacrifice love and bliss to reason of state, and in May, 1550, Arabelle privately married William Seymour.

Their marriage was soon discovered, and then Arabelle was put under restraint at Lambeth, while her husband was sent to the Tower. As they still contrived to exchange letters, the king ordered that Arabelle should be removed to Durham, and remain in charge of the bishop. Arabelle set out on her journey in March, 1551; but because as it that she was allowed to make a long stay at Eborac. While there she managed to contrive with her husband a joint plan of escape. Arabelle, disguised in man's attire, reached the vessel which was to carry them away, and although her husband had not arrived, her attendants would have her sail. Seymour, who came too late, was lucky enough to find a cutter, which carried him to Ostend. But Arabelle, who caused her captain to shorten sail in hope of hearing news of her husband, was taken by a king's ship not far from Calais. This time she was sent to the Tower, where she lost her reason, languished four years, and died. As sovereigns have been generally taught to take selfish fear for a sort of public duty, it would be unfair to condemn King James. Probably there was not a monarch in Europe who under the same circumstances would not have done likewise. Nor does it appear that anybody at that time blamed him, or felt compassion for Arabelle Stuart.

In the following year, the bad treasurer, Salisbury, died at Marlborough on May 14. To James the loss was irreparable. Never again had he a statesman for pure minutes. Thereafterward he was guided by his own caprice or that of some Spanish favorites. There was, indeed, a man who might have

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more than filled the void left by Salisbury. Francis Bacon was then fifty years of age. The son of that Sir Nicholas Bacon who for twenty years had held the great seal under Elizabeth, and the nephew by marriage of Lord Burgkley, Francis may be said to have been born in the highest rank of the public service. From boyhood he was known to the queen, who seldom failed to discuss and to employ useful ability. Yet Francis was singularly unsuccessful in getting preferment. Sir Nicholas died before he could do anything for him, and Lord Burgkley boarded all his influence to help his own sons. At length Francis found a friend in the warm and generous Essex, the favourite at court of the sovereign and of the people. By accepting the Earl's patronage, Bacon placed himself in feud with the house of Cecil, above all, with Robert, the treasurer's second son, a calm but masculine and politic adversary. Essex, after trying in vain to have Bacon appointed solicitor-general, comforted him with a grant of landed estate very acceptable to a younger son and a barrister in no large practice. Soon afterwards the imprudence and passion of Essex wrought his fall. Bacon, as one of the queen's counsel, was employed in the prosecution of Essex, and did his part towards getting a conviction; apparently incurring some blame at the time, since he afterwards wrote an apology for his behaviour, a thing which wise men rarely do. Even this service brought no promotion. At the accession of James, Bacon, in middle life, was still vainly seeking a field for his extraordinary powers. James, although he had been the friend of Essex, and had given his confidence to Robert Cecil, felt no grudge against Bacon. Enjoying more than any other of our kings the conversation of wise and learned men, he did not fail to recognise Bacon's rare gifts, and from time to time showed him goodwill.

Bacon's deep knowledge of mankind, impressive eloquence, and perfect self-command would have made him notable in any assembly, and in parliament Bacon was heard with fervor and attention. In the management of Gascoigne's case, in the proceedings for the extinction of the military tenures, and in the debates on the union with Scotland, he took a distinguished part. Equally accomplished as a doer and a speaker, he by turns opposed or seconded the king's views without ever forfeiting the king's regard. Cecil might dislike the politician

and Coke might meet at the lawyer, but each talent, exerted on such a theatre, could not be ignored. Bacon became solicitor-general in 1607 and attorney-general in 1609. During the next eight years he may be regarded as one of the chief public men of the time.

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The world still concerns itself with Bacon's character, not because of his political achievement, which was small, but because of the great place which he fills in philosophy and in literature. He was one of those men of delicate constitution and robust intelligence in whom the ordinary scale of the passions is reversed. Intemperance of any kind was foreign to his nature, and none of his affections seems to have been strong. From all that he has written we can gather nothing to show that he ever lived in close communion with any other person, or that he ever keenly felt the death of any man or woman. But he had ambition of many sorts. He once told Lord Burghley that he had as vast contemplative as he had moderate civil aims; and the half of this avowed at least was true. In the bold spirit of the renaissance, the spirit of Leonardo or of Galileo, he had taken all knowledge to be his province, a province which he hoped not only to conquer but to reform. His civil ambition was stronger than he knew. His birth, his breeding, his talents entitled him to expect a great public career. The best of his life had been spent in the sickening pain of hope deferred, and he was approaching old age, as men then reckoned it, when he at length rose to high office, but he was as elastic and eager as ever. Beside the fulness of knowledge and a part in great affairs, Bacon had yet another object of desire. He loved the outward and visible signs of success—wealth, pomp, attendance, luxury. It is a fashionable-cant to assert that genius has no such craving. Bacon is one of many instances to the contrary. Here also pervading had sharpened appetite. For many years he had been forced to pinch and to run into debt. He came late to the world's banquet, and even his self-denial could not resist an indigence the more overpowering because so long withheld.

Those who would understand Bacon's political opinions must bear in mind the circumstances of his early years. He belonged to that circle of official families which under Elizabeth produced so many able men, and did so much good work. He

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XL so successful, but was more akin to the system of certain con-
tinental monarchies than to anything known in England for
the last two hundred years. In that system the sovereign was
the centre and her subjects governed. Parliament was an
occasional assembly which would tax, make laws, and ex-
press, with all due reserves, the sense of the nation. Bacon
took this constitution for granted. He thought parliaments
useful within the bounds fixed by Elizabeth, but scarcely fit for
more power than they had enjoyed hitherto. Genius is naturally
constructive, and Bacon would gladly have been a reformer,
but he would have wished reforms to originate with the crown.
Had Bacon been allowed his way he might have prolonged
the life of the Tudor polity for many years. He would have
washed public opinion, he would have removed patent abuses,
above all, he would have touched ecclesiastical questions with a
light hand. No man of his school was willing to grant un-
bounded freedom of religion, but no man of any school could
have been less a fanatic than Bacon.

His very breadth of mind perhaps hindered him from fully
understanding his own age, which was earnest and narrow.
Nor was he one of those iron men who impose themselves on
an unwilling world or perish in the effort. He preferred to
study his fellow-creatures and adopt his measures to their
folies. He had learnt by a long and bitter experience that
man in power was instrument, not counsellor. He must
soon have noticed the transparent character of James. He
must have felt that the king, who valued his services and
enriched his conversation, was the slave of a self-love which
could not accept guidance or even fugive dissent. He means,
therefore, to have acquiesced in what he could not mend.
Sometimes he ventured on good advice, couched in terms so
deferential that James could not feel displeasure. But he
never tried to carry out any of the reforms suggested in his
writings or correspondence. He submitted to the rage of
favorites like Villiers, paid them court with his usual skill, and
was guilty of complaisance which did him little harm. As a
minister he bore his part in some of the worst incidents of
the reign of James. On this or that occasion his conduct
may admit of defence or at least of palliation, but when we

review the whole, emboldened by the natural wish to clear the memory of so great a man, we cannot avoid the conclusion that Bacon was not a man of generous instincts or of rigid principle.

On Salisbury's death the treasury was put into commission, and the king resolved to act as his own secretary. At that time James was anxious to find a wife for his son Henry, Prince of Wales. In 1611 the Spanish ambassador had again informed him that Philip would not refuse the Infanta Anna to the prince, and James hurried more ardently than he had ever done before. Among protestant reigning houses he saw none which he deemed the equal of his own. He overruled the power of Spain; he assumed and carried the absolute authority of the Spanish king; and he created the ample dowry which would be given with a Spanish princess. Sincerely wishing to be the preserver of Europe, and imagining that marriage lay as day in the hands of sovereigns, he thought that a marriage alliance between Spain and England would end the strife of religions. He therefore sent Sir John Digby as ambassador to Madrid with instructions to follow up Philip's overture. That shrewd diplomatist soon discovered that the offer had not been serious, and that Anna was destined for the young King Louis XIII. Spain was willing to treat, indeed, for the marriage of her sister Maria with Prince Henry, but Maria was only six years old, and the proposal was too flimsy even for the King of England. In the following year Philip, then a widower, was disposed to marry the Lady Elizabeth if she would change her religion. But James would not listen to such terms: he had already agreed the contract for her marriage with Frederick the Elector Palatine.

All thought of a Spanish alliance having been laid aside, a princess of Tuscany, a princess of Savoy, and a French princess were in turn suggested for the Prince of Wales, while he, when then his father declared that he would never marry a wife who differed from himself in religion. In 1612 Henry was eighteen years of age, full of vigour and spirit, with the martial and adventurous instincts proper to youth. The nation, disappointed by a king who had no kingly attributes, found comfort in idolising his son, and credited Henry with talents and virtues which even never brought in the west of practice, while the parliament regarded him as their friend and hope. An imprudent regimine had him open to an attack of typhoid fever, and he

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died on November 5. As usual in that age, when accurate diagnosis was unknown and the untimely death of a great personage was always ascribed to foul play, men said that the prince had been poisoned, and some, relying on absurdity, named his father as the criminal.

The year 1612 is still more memorable for the last burning of heretics on English soil. Bartholomew Legate, a London tradesman, who had ceased scandal by his *Adon* epigrams, refused to acknowledge the jurisdiction of the consistory court and remained obstinate against the arguments of King James in person. In February, 1612, he was brought for the last time before the consistory court. As Cole had disputed its competence to deal with a case in his opinion suitable for the high consistory, it was strengthened by the presence of Nolle, Bishop of Lichfield, Buckeridge, Bishop of Rochester, and Andrews, Bishop of Ely. After sentence had been pronounced by the Bishop of London, the lord chancellor issued the writ *de heretico comburendo* and Legate was burnt in Smithfield on March 18. Edward Wightman, a fiery anabaptist who styled himself the Messiah, having attracted notice by a petition to the king, was sent before Bishop Nolle for examination. After he had been tested in a number of confessions by Nolle and other divines, he was taken to Lichfield and there sentenced by Nolle. Wightman remained at the near approach of death, but, as he would not abide by his recantation, the writ was renewed and he was burnt in April. The public stood no protest, and even the honest and intelligent Casaubon could dwell on the execution of Legate as honorable to King James. Yet opinions were constantly changing, and no such execution was attempted in after times.

On February 14, 1613, the marriage of the Lady Elizabeth and the Elector Palatine was celebrated with much splendour. Neither Elizabeth nor the husband was yet seventeen years old. She was a handsome, spirited girl, with unusual powers of attraction, yet destined to a life of almost unbroken affliction, for her husband was one of those men who, failing to understand their own mediocrity, challenge great trials, under which they succumb without honour. To the nation the marriage was pleasing as a fresh link to blind England to the palatine cause. To the king it was a new embarrassment, for, despite his want

of money, he expended no less than £50,000 on the feasts and pageants which followed the marriage.

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Not long afterwards Spain sent to the English court one of its ablest diplomats, Don Diego Sarmiento de Acuña, better known by his later title of Count of Gondomar. Sarmiento possessed to the full that intrepid assurance which distinguished his countrymen, and with it a keen insight into human nature. He soon came to know the king as thoroughly as if they had been friends from boyhood, and by a judicious alternation of insolence with flattering courtesy retained him altogether. The English nation he did not understand so well. Like most Spaniards, he thought that protestantism had its origin in royal caprice, and would fall when no longer upheld by royal authority. Let the persecuting laws be repealed, or even suspended, and such multitudes would rejoin the true Church that in a little whilst it would be supreme again. The position which Sarmiento gained at court was soon noticed by the public, and the hatred felt for his nation was concentrated upon the ambassador. Owing to this circumstance, and the very general desire of explaining all the faults and follies of kings by the sinister suggestion of those about them, Sarmiento became a hero of myth. His power and his malice were supposed to account for every evil that befall the state; and only in recent times has he been reduced to his real proportions in the history of England.

For the present the public gaze was fixed upon a royal favourite who had risen higher than any other courtier since the time of Philip Gavorton, and who was destined to a fall only less abrupt and terrible. Robert Carr, a younger son of an English border house, had attended the king to England in the quality of a page, and afterwards entered the service of Lord Hay. He had the luck to be thrown from his horse and break his arm at a tilting match where James was present. His comely person and his heart were enough to capture the king's good graces, and he was knighted at the close of 1607. In 1609 he received a grant of the manor of Sparborne, which had once been Raleigh's; in 1611 he was created Viscount Rochester, and was the first Scot to take his seat in the house of lords; and on Salisbury's death he was employed to conduct the king's correspondence, although without the title of secretary. Overshadowing all the rest of the royal favourites, and able to marry almost where

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he would, he fixed his desires upon another man's wife, Frances, Countess of Essex, and daughter of the Earl of Suffolk.

When only thirteen years old Frances Howard had been married to Robert, Earl of Essex, the son of Elizabeth's unhappy favourite, himself scarcely a year older. Some time afterwards, in obedience to a fashion then beginning, the earl was sent to complete his education by a tour on the continent. Nearly three years passed before he returned to his countess, who had grown into a lively and beautiful young woman, and, having been left almost a stranger to her husband, had already begun to feel a passion for the handsome and all-enslaving favourite. Reduced to live under the same roof with the earl, whose stolid phlegmatic temper was ill-fitted to attract her liveliness, she passed from indifference to loathing, and obstinately remained a wife only in name. After three years of mutual wretchedness she bent all her thoughts to procuring a divorce. Her father and her great-uncle the Earl of Northampton readily seconded Frances, for when she had been set free, her marriage with Rochester would secure them in possession of the confidence of the king. Rochester and the Howards easily obtained from James a commission to try the validity of the marriage between the Earl and Countess of Essex. It was issued on May 16, 1613, and named as commissioners Archbishop Abbot, Andrews, Bishop of Ely, King, Bishop of London, Hale, Bishop of Lichfield and Coventry, and some six other persons.

It was not wisely that the head of the Church and State should countenance grave divines and learned doctors for such a business. James must be taken to have known what soon became apparent to the archbishop. Although Abbot was not a very acute man, he was an honest one, and when he discovered that the proceeding was merely a trick to gratify the irregular desires of Rochester and Lady Essex, he tried, although in vain, to retire from his place in the commission. As the other commissioners were equally divided and the archbishop's action was an alarm to public opinion, Rochester and the Howards felt the need of strong measures, and persuaded James to reinforce the court with two more bishops, Bishop of Winchester and Buckleburgh of Rochester, who could be trusted to give judgment in favour of the countess. The divorce was decreed by September 25 by seven voices, the archbishop and four others recording a

present. It may smite some surprise that Andros, eminent among his brethren both by character and by talent, should have been cast out of the scene. But even the best policies of this age were too close quarters, and the Church paid dearly for its close alliance with the crown.¹

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Rochester was created Earl of Somerset, and before the close of the year he married Frances Howard, and such high-wrought flattery, obsequious congratulations, and costly presents as had never perhaps marked the marriage of a subject in England. He never aspired to control public affairs, but he wielded all the personal influence he could desire. Without first presenting a bribe to Somerset, it was useless to present a petition to the king. Somerset is said to have informed the king of every bribe he took. Nor did the king abuse his confidence; for Somerset was by far the richest man in England, and was reported to have spent £50,000 in a twelvemonth. Probably no other subject at that time had a revenue of £20,000 a year.

Only one circumstance, yet unknown, was wanted to point the moral of Somerset's marriage. In his rise to fortune he had owed much to the advice of a friend, Sir Thomas Overbury. The wares and press which Overbury has left are of very slight value, but he had some talent for society and affairs, and attached himself to Carr in the hope of rising by and with the favourite. He helped Carr in his intrigue with Lady Essex, but opposed their marriage, whether it were that he thought a woman an undesirable wife, or that he dreaded a reconciliation with the Howards, whom he had incited Carr to oppose. It has been conjectured that Overbury became possessed of knowledge which would enable him to bar the divorce. As Lady Essex hated Overbury and was resolved to put him out of her way, she used her ascendancy over Carr against his friend, and persuaded him to assist the king in the business. James' uncle Archbishop Abbot suggested to Overbury that he should go as an envoy to the continent. The misapprehending Overbury asked Carr to interpose with the king that he might be excused;

¹ Andros would not have defected from justice for any personal gain, but the frequent difference for the sovereigns then in existence and the violent nature of the protection of the established ecclesiastical order were some barriers and subtle temptations.

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but Rochester did the reverse, and Overbury received the formal offer of a mission to a foreign court. His refusal was treated as insubordination, and punished by commitment to the Tower on April 26, 1613. But worse awaited him, for Lady Essex had reacted on his death, and through her passionate control over the king had every means of life and easy execution. Orders were given that Overbury, although in ailing health, should have no servant, nor be allowed to communicate with any person outside. Sir William Wind, lieutenant of the Tower, was replaced by Sir Gervase Haleys, a creature of Rochester and Northampton. The particular charge of Overbury was given to a keeper named Richard Weston, who owed his place to Lady Essex, and was an old servant of Mrs. Turner, a woman of bad character, employed to poison Overbury. The poisoning itself was retarded by sundry misadventures and delays; but at length the thing was done, and Overbury expired on September 15, a few days before Lady Essex gained her divorce. For the time nothing was suspected, and Overbury's death passed without comment.

The year 1613 was marked by a case less notorious than the Essex divorce, although more significant for political history. The king had issued a commission to inquire into the flagrant abuses of the naval administration, and had authorized the commissioners to punish offenders. The Earl of Nottingham, lord high admiral, and Sir Robert Mansell, the secretary to the navy, defied the commission and declined to limit its powers. They convinced Worlocke, an eminent counsel, who had spoken vigorously against impositions on the last parliament, and White Locke gave an opinion to the effect that the penal clauses in the commission were void as exceeding the power of the crown and breaking the clause in Magna Carta, which promises to all subjects a trial according to law. Mansell, for obtaining this opinion, and White Locke for giving it, were called before the council. It was there laid down by Bacon, speaking as attorney-general, that the king's prerogative and absolute power were part of "the law of the land" mentioned in Magna Carta. That clause, therefore, did not restrain him from issuing what judicial commissions he pleased, where reasons of state could be alleged. Even to give an opinion detracting from this power was an offence. The council adopted this reasoning by its decision,

and Whitebeke and Harpell had to purchase their freedom by a humble submission. It is patent that reasoning of this kind must end in the recognition of an unlimited judicial power in the crown.

The crown still remained weak in its poverty. The same causes produced the same emptiness of the treasury. In spite of the repayment by France and the United Provinces of moneys lent by Elizabeth; in spite of the sale of baronies and crown lands; in spite of privy seals sent out to borrow from rich men, income continued less than expenditure, revenue was anticipated, and indebtedness grew. The time of summoning a new parliament became closer and closer. But then it would be necessary to court the goodwill of the house of commons. Advisers were not wanting as to the method. Sir Henry Neville, a distinguished member of the former parliament, drew up a memorial advising the king to call a new one immediately, and to win its goodwill by offering certain honors before they could be asked, especially by resourcing his right to levy impositions. The promises thus made should be carried into effect without delay. If this were done the best might be hoped, for the leaders of the last parliament had not been merely factious in their resistance to the crown. Bacon, in a letter to the king, exhorted him to put off the person of a merchant and contractor. Parliament should be called rather for business of state and to make laws than to be asked for grants. The demand for money should be brought in by the way. "I for my part," Bacon wrote, "think it a thing inextinguishable to your majesty's safety and service that you ever part with your parliament with love and reverence." James was not yet convinced that he must meet parliament. But early in 1614, his want of money was so sharp as to leave him no choice. His debts had risen to £300,000, and the annual deficit amounted to £300,000. In February, the privy council advised him to call a parliament, and he yielded. The council then settled a list of bills which, it hoped, would tempt the commons to be generous, but it was not free to include the topics of the Church or of impositions, and unless they had their will with regard to these, the commons would hardly be satisfied.

The crown had repeatedly used its influence at elections in the past, and might indeed be said to choose the members for

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a large number of the party brought created by the Tudors. With the growing consequence of the lower house every new means of getting votes was welcomed by the king's advisers. When, therefore, certain conditions undertook to do their best to secure the return of well-affected persons, they were duly encouraged. But whatever help these "undertakers" were able to give was outweighed by the ill-will which their meddling aroused. Servants of the crown and supporters of its policy were generally in disfavor. All the leaders of opposition in the old parliament, such as Whitelocke, Hakewill, and Scudry, were returned. More than half of the new house of commons were men who had never sat there before. Among them was one who will be remembered as long as the history of England is read—Thomas Wentworth.

James thought fit to strengthen his government by appointing a new secretary, who should also be a member of the house of commons, and guide it in accordance with his wishes. He chose Sir Ralph Winwood, a man of high character, who had long been envoy at the Hague and was well acquainted with the affairs of the continent. As a staunch protestant and a bitter enemy of Spain, Winwood was likely to gain the confidence of the commons, but he was trained in parliamentary life and unskilled in parliamentary management. The parliament met on April 3, and showed their temper by moving the consecration in a body so as to exclude any Roman catholic who might have been elected. They chose for this purpose St Margaret's church, where the service was conducted most agreeably to protestant feelings than at the abbey. Winwood took the earliest opportunity of asking for a grant, and offered on behalf of the king many of the concessions which had been proposed by Neville and others. But the house promptly came back to the subject of impositions, and to the old ecclesiastical quarrels, and ended by referring to a committee the grievances which had been discussed in the former parliament. In his anger at the attempt to influence the election, it constituted a number of the alleged undertakers to the bar. They were examined, but nothing was found to justify penal proceedings.

The commons next asked the lords to meet them in a conference on the impositions. When the lords consulted the judges as to their reply, the judges, by the mouth of Coke,

begged to refrain from giving an opinion, since they were bound to state the law between crown and people, and not to be disputants on either side. The lords, by a majority composed chiefly of pious counselors and bishops, declined the conference. The commons, sore at this rebuff, and further nettled by some witty remarks of Bishop Beke, broke into a passion, and behaved in a manner which can be understood only by remembering that party organizations and recognized leaders did not exist. They forgot that the debates of the upper house, like their own, were supposed to be private, that the exclusive jurisdiction of either house over its own members was essential to its usefulness, and that freedom of speech could not be ensured in either house unless it were enjoyed by both. Much ill-will existed, and some absurd motions were made. It was only the interposition of Sir Edwin Sandys, the best hand in the house, that saved the commons from calling on the king to punish words spoken in parliament. At length they agreed to demand satisfaction from the lords themselves. After some debate the lords required the bishop to explain, and he disavowed the natural sense of his words. The lords made this known to the commons, adding that they would not hesitate later to complain of this kind. The commons, still angry, continued to waste their time in discussing the bishop.

Finally the king, who had complained before, sent a message warning the commons that he should dissolve the parliament if they did not proceed to business. But this only gave a new direction to noise and fury. Christopher Neville and others raved against courtiers and Scotsmen in terms so outrageous that some suspected them of having been set on by the Earl of Northampton, who had been against calling a parliament and desired a dissolution. If it were so, he proved successful. James was ranged to the point of inquiring from Summerson whether, in the event of his breaking with the commons, he might count on Philip's good-will; and although Summerson returned a cautious answer, he took heart to dissolve the parliament on June 7. It became known as the *addled* parliament, because it had failed to pass a single statute. The king summoned before the council the members who had been chosen to confer with the lords, and ordered them to deliver up all the notes and collections made for that purpose, which were immediately thrown

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The king had got puffed from his parliament in love and reverence, nor had he obtained any supply. Some of the bishops agreed to offer him the value of their best piece of plate, and they were joined in this loyal contribution by the privy council and the courtiers. The city of London, when asked for a loan of £100,000, replied that it would rather make a gift of £10,000. Then some of the provincial towns and the gentry made gifts. The king naturally improved the list. Coler, who had lately succeeded Fleming as lord chief justice, restrained him from exacting a benevolence by letters under the great seal; but the council wrote letters to every county and borough inviting contributions, which were expressly stated to be voluntary. Such was the temper of the nation that in more than two months only £400 was subscribed in reply. Even after two years of continuous pressure only £165,000 had been raised altogether. It was felt that parliament was the proper body to grant supplies, and that the new contribution was much the same as the old benevolence. Oliver St. John, a governor of Marlborough, having expressed these opinions in a violent letter, which declared that the contribution infringed *Magna Carta*, and amounted to a breach of the king's coronation oath, was brought before the Star Chamber, and sentenced to pay a fine of £5,000 and to be imprisoned during the king's pleasure. On making a full submission he was released from his imprisonment.

The discontent shown in the matter of the benevolence seems to have alarmed the government, which found a victim in an obscure country clergyman. Edmund Poucham, rector of Hinton St. George in Somerset, had come into conflict with his bishop, and had been summoned to appear before the court of high commission. A search for papers in his house brought to light a manuscript treatise dwelling on the grievances of the subject, and intimating that they might well call down the judgment of heaven upon the king in rebellion or in sudden death. The treatise was examined by the council and pronounced treason-

able. The king displayed unwearied eagerness for retaliation, Peacock was examined before the council, and justified what he had written, but would disclose nothing. He was therefore put to the torture in the Tower, in the presence of several counsellors, but again refused to say anything, probably because he had nothing to say. He seems to have been an insignificant person, of a sour and capricious temper, who might easily enter in a violent strain, but who had neither talent nor inclination to cause the least trouble in the state.

Nevertheless, the council resolved to prosecute Peacock for treason. As it was doubtful whether a conviction could be obtained purely because a man had written without publishing a book regarded as treasonable, James ordered the council to take the opinion of the judges individually, not collectively. In this way more pressure could be brought to bear, and the influence of the chief justice would be excluded. Coke protested on the ground that, although the crown might properly consult the judges in a body, this "singular and particular" taking of opinions was not according to the custom of the realm. The other judges gave the opinion which the council wanted, but Coke declared that Peacock's offence came short of treason on two grounds: first, because the treason had never been published, and, secondly, because a mere declaration that the king was unworthy to reign did not amount to treason, unless it went on to question his title. Peacock was sent down to Somerset to stand his trial, and was convicted of treason at the assize; but the government shrank from enforcing the full penalty, and he died some months afterwards in prison.

Bacon, as attorney-general, having been employed in the matter, and having approved himself zealous against Coke, recent historians have sought to apologise for the action of the government. The apology is not complete. The use of torture, it is true, never sanctioned by law, had been frequent in political cases ever since the accession of the Tudors, and might now be deemed part of the prerogative; but in Peacock's case there was nothing to alarm rulers of reasonably firm steel. James was probably exasperated by his recollections of Scotland, where clerical threats of divine judgment against wicked rulers sometimes went along with forcible resistance to the crown. "The singular and particular

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taking of opinions" has been justified, partly on the ground of precedent, partly on the ground that the king and council feared the ascendancy of the chief justice over the minds of his brethren. But the judges had everything to hope and to fear from the crown which had made and could unmake them, while the worst they could expect from Coke would be sullen looks and somewhat language. In private consultation those who represented the crown could freely use threats and promises to swing from each individual judge the opinion which they wanted, and by which he must afterwards frame his action in the seat of judgment. Nor can we think that Bacon was prepared to see pressure of this sort. He has told us himself that the judges ought to be free under the throne, which is only a graceful way of saying that they should bend the law to reason of state. "The servile and particular taking of opinions," even if it had support in precedent, could only tend to the perversion of justice, and Coke, in protesting against it, he his motives what they might, did a notable service to his country.

Soon after these events the great scandal of the reign burst upon the public. Spelt by undeserved favour Somerset had grown so forward and undutiful that he strained even the king's measuring affection. The charge becoming apparent to all who hated Somerset and his allies, the Howards, they found a new candidate for that affection in George Villiers, a handsome youth with many external accomplishments, but with his fortune to make, for he was the younger son of a Leicestershire knight who had left him nothing. He had been brought to the king's notice in August, 1614; but Somerset was on the alert, and for a while kept him at a distance. Somerset's enemies then persuaded Archbishop Abbot to use his best endeavours with Queen Anne on behalf of young Villiers. A fawning woman will sometimes perceive truths which are hidden from pious counsellors and fathers of the Church. Her majesty at first assured the archbishop that he was only making a sponge for his own back, but as he persisted, she consented, and desired her husband to make Villiers a gentleman of the bedchamber: James granted her request, knighted Villiers, and gave him a pension of £7,000 a year. His promotion took place in April, 1615. Somerset felt his

power, shales, and became morose. Yet the king had many returns of affection. When Somerset tried to guard against the future by obtaining a pardon in the fullest terms for all the offenses of which he might have been guilty, James besought the chancellor Ellesmere, who refused to affix the great seal unless he might have a pardon for himself. James forgot to see that his order was obeyed, and Somerset, who had reason to suspect the neglect.

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It is said that the apothecary's apprentice who had been employed to poison Overbury, having gone over to Flinders, blabbed his secret, which came to the ears of Secretary Wierwood, and was by him conveyed to the king. Then Sir Germaine Halyss, learning that he was suspected by Wierwood, thought well to confess what he knew. The king thereupon instructed Coke to sift the matter to the bottom. Weston was examined, and he implicated the Countess of Somerset and the other criminals. At Coke's request the chancellor, the Duke of Lennox, and Lord Zouch were joined with him in the inquiry. Somerset took a high tone, declaring in his letters to James that the whole business was a contrivance of his enemies, and asking that the inquiry might be transferred to the twelve judges, apart from any privy councillors. But James refused to interfere with the course of justice. Presently the earl and countess were put under arrest, and the trials of their accomplices began. Richard Weston, Mrs. Turner, Sir Germaine Halyss, and Franklin the apothecary were all found guilty and hanged. In January, 1606, a true bill was found against the earl and the countess as accessories to the murder of Overbury, but their trial was delayed for some months by circumstances unconnected with the charge. On May 24 the countess was put on her trial before the court of the lord high steward. She pleaded guilty and received sentence. Her husband, according to one story, declared that he would not appear before the court and that the king durst not make him. He certainly signed Hough's depositions was in vain, and he was put to the bar on the day following his wife's trial. The evidence against him was far from conclusive, but that age was less exacting in proof than ours, and most of the peers were unfriendly to Somerset. Besides, they might feel assured that he would not suffer the full punishment of murder. Somer-

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not accordingly was found guilty. He and his countess remained prisoners in the Tower for some years, when they were set free, although enjoined to reside in certain places. He received a full pardon a short time before the king's death, and fled, and, obscure and forgotten, for some twenty years.¹

The daring audacity of James was now centred in his new creation Villiers, more manly and ambitious than Carr, rose fast to the highest place in the kingdom. In January, 1616, he became master of the horse; in April, knight of the garter; in August, Baron Whaddon and Viscount Villiers. In January, 1617, he was created Earl of Buckingham. Land was bestowed upon him to the value of £10,000. He, too, as it was, private secretary and confidential adviser to the king. Through Buckingham grave statesmen holding the highest offices had to correspond with their sovereign. No ruler to the king could hope to succeed save by purchasing Buckingham's good word. Only three years after his first introduction at court the revenue of the favourite earl was reckoned at £10,000 a year, a figure equaled by very few of the eldest and wealthiest families in the kingdom. Buckingham was not a man to bear these honours meekly. With much courage and some generous impulses, he was a vain, greedy, overbearing courtier, careless of his master's dignity and the public weal, meddling and dictating in matters far beyond his grasp, and bent on crushing all who failed to pay him deference. Yet in justice these faults must be inspired less to Buckingham than to the king, who forgot all sense and decorum in his infatuation. "You may be sure," he said about this time to the privy-council, "that I love the Earl of Buckingham more than any one else and more than you who are here assembled. I wish to speak in my own behalf, and not to have it thought to be a defect, for Jesus Christ did the same, and therefore I cannot be blamed. Christ had his John, and I have my George."

In the year 1616 the contest between the courts of common law on the one side and the chancery and the ecclesiastical courts on the other came to a height. It merged in a more

¹The reader desirous of further information may consult B. N. Quarles, *History of England*, ch. 20, and the authorities cited therein; Spelling, *Letters and Life of Bacon*, vol. vi.; and James, *Great Earl of Fellingham*, a work which Quarles declares to be "of an ethical value".

significant contest between the king and the lord chief justice. CHAP.
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The real issue between the parties was whether justice should be administered according to strict legal rules or as reasons of state might require. And this involved a further issue, whether the law or the will of the king was in the last resort supreme in England. Coke had the courage to maintain almost alone the uncourtly side in this great controversy. Even his superstitious reverence for the common law served him well at a time when resistance to the royal pleasure could be based on tradition only, not on principle. But it is most true that Coke's perverse mind led him to take weak grounds as readily as strong, while his vanity construed every serious affront to himself as an outrage on law and right.

He came into direct conflict with the king when two persons named Colt and Glover brought an action against Bishop Neile, who had received from the crown, to be held in commendam, a living of which they claimed the patronage. The matter was referred to the exchequer chamber to be argued there before all the judges. The king sent word to the chief justice and his brethren not to give judgment before they had conferred with him. The judges proceeded to hear the case notwithstanding, and replied to the king that the case turned on the construction of certain acts of parliament, that they were sworn to do speedy justice, and that his letter was contrary to the law. Some time afterwards they were summoned before the king in council to answer for their letter. James urged that in this case he was really a party and should therefore be heard before judgment was given. The judges fell upon their knees and acknowledged their error, although Coke still argued in his own defence. The judges were asked whether, if the king held a case depending before them to concern him in power or profit, and required them to stay the proceedings until they had consulted with him, they would not obey. All the other judges promised compliance, but Coke gave the manly answer that, when the case arose, he would do what was fitting for a judge to do. The king, therefore, thought it necessary a few days later to warn the judges publicly in the Star Chamber against meddling with anything which touched the prerogative until they had consulted with him in the council. "As for the absolute prerogative of the crown," he went on, "that is no subject for the

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usage of a lawyer, nor is it lawful to be disputed. It is atheism and blasphemy to dispute what God can do; good Christians content themselves with His will revealed in His Word, so it is presumption and high contempt in a subject to dispute what a king can do, or say that a king cannot do this or that, before it is that which is the king's word revealed in his law."

The other judges might pare with a velvet, but the king could not pardon Coke's stubbornness. He was suspended from service in the privy council and from going circuit, and with humorous malice was recommended to employ his leisure in consulting his reports. Since Coke was exceedingly vain of his really profound learning, we need not be surprised that after three months' toil he had only discovered five trivial errors. As he remained impudent he was dismissed from his office in November, 1626. The precedent was followed by the later Stuarts. It was for the judges to declare the law and for the king to deprive them of their office if they declared it so he other than he desired. It is not strange that the bar supplied the opposition to the crown with many of its ablest and most zealous leaders.

The character, Eliot, feeling his decay, had repeatedly asked permission to resign, which had been as constantly refused. At length, obliged by sickness to keep his bed, he refused to set the great seal to any more patents, and thus, though all too late, entered his freedom. A few days afterwards he died. Bacon, whose talents and services gave him the strongest claim to succeed Eliot, was appointed lord keeper on March 3, 1627. He did not owe his place to Villiers, but he had foreseen between how high Villiers would mount and had gained his goodwill. The solicitor-general, Yelverton, succeeded Bacon as attorney. Buckingham, who had been offered £10,000 by another candidate for the place, at first opposed Yelverton, but drew back before a formidable resistance in the council, not yet thoroughly broken to his will, accepted from Yelverton a disclaimer of any disfavour, and himself earned to the king for signature the warrant for Yelverton's promotion. Yelverton, however, thought it well to wait upon the king soon after and made him a present of £4,000 which the king took with effusive gratitude. Thomas Compton, recorder of London, became solicitor-general.

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The new lord keeper, while giving the favorites much excellent counsel, took care to comply with all his humors, even in one instance, worthy to be recorded as an illustration of the manners of that time. Coke, whose fortitude was not enough to uphold him in disgrace, presently sought to climb back into favour and knew that for this purpose Buckingham's good word was all-important. Buckingham had to provide by many poor relations, among them for his elder brother, Sir John Villiers, a creature so abject in mind and person so odious. Coke agreed to give his daughter Frances to Sir John Villiers and add a portion of £40,000. But his wife, a lady of the highest temper, would by no means consent, and took the daughter out of her father's custody. With the help of Buckingham's mother Coke got a secretary's warrant to recover Frances, broke his way into the house where she had been placed, and carried her off in a summary and brutal fashion. Bacon had seen with natural alarm the approaching alliance between his old enemy and the rising favorite. He had written to Buckingham, then attending on the king in a visit to Scotland, and to the king himself enforcing his objections to the proposed marriage. Buckingham was not likely to weigh political arguments in such a case, nor James to allow resistance to Buckingham's pleasure. Both master and servant went to the lord keeper in terms which ensured submission. On their return to London, poor Frances was married to her contemptible husband. By deference and assiduity the highest of English magistrates, the greatest of living Englishmen, regained the condescending friendship of Buckingham. But one sharp lesson had been enough, and henceforward his complaisance was without reproach. In January, 1618, he was raised to the dignity of lord chancellor, and some time afterwards he became Baron Verulam and Viscount St. Albans.

In foreign affairs James was still moving towards an alliance with Spain. Soon after the death of Henry, Prince of Wales, James thought it well to seek a wife for his second son Charles, the heir to the crown. Under the influence of his late disappointment with Spain, he turned to France and began treating for the hand of Christina, sister of Louis XIII. But the negotiation made so little progress that in the summer of 1614 he once more thought of a Spanish marriage. Nevertheless,

CHAP. who understood him better than other Spaniards, advised Philip
III. no longer to require that the English prince should become a catholic before marrying the infanta. Pope Paul V., when consulted, was still against the marriage, but a party of Spanish theologians, deliberating without knowledge of this fact, resolved that the course advised by Sarmiento would be expedient if it had the pope's approval. Before the close of 1614, and with the French treaty still pending, an informal negotiation had begun between England and Spain.

Meanwhile the affair of Cerues had taken a new turn. The Count of Huesing, having joined the Church of Rome and married a catholic wife, sought for Spanish help in taking possession of the duchies, while his rival of Brandenburg appealed to the Dutch republic. The Marquis Spinola, commander-in-chief of the Spanish forces in the Netherlands, came to assist the count, and Maurice, Prince of Orange, to assist his rival, and in the spring of 1614 the duchies were nearly occupied either by Spanish or by Dutch troops. As this state of things roused the quiet of Europe, James and the Regent of France interposed and in November brought about the treaty of Xanten, by which the two claimants made a temporary partition of the duchies. But the mediators found it impossible to arrange for a general evacuation of the territory by the Spanish and Dutch forces. Quarrels over the whale fishery and the East India trade helped to irritate James against the Dutch and therefore to revive his goodwill towards Spain. In May, 1615, he received the Spanish draft of a marriage treaty, containing among other detestable things the demand that the children of the marriage should be brought up by their mother, and, when they came of age, should be free to profess the Roman catholic religion. This might have given him pause. But the French were less inclined than ever to accept his terms. James, therefore, continued to negotiate for a Spanish princess, and in 1616 broke off the French treaty altogether.

In the same year the king came to an agreement with the Dutch for the surrender of what were known as the customary towns—the Brill, Flushing, and Spencelme, which in the infancy of their republic they had pledged to Elizabeth as security for money advanced in the struggle against Spain. England had the right to garrison these towns and the duty of maintaining

both garrisons and fortifications. After making a truce with Spain in 1603, the United Provinces had undertaken to repay the English advances at the rate of £40,000 a year, and in 1615 the amount still owing was £100,000. But they were impatient to regain possession of towns necessary to their safety and freedom, while a sound sum of money was always acceptable to King James. It was agreed in April, 1616, that the Dutch government should pay at once £100,000 in full discharge of their debt, and that the English government should surrender the cautionary towns. As the garrisons cost £25,000 a year, and James would have had to wait fifteen years before the debt was discharged, this was no bad bargain. Moreover, if war between the Dutch and the Spaniards had been conceived, as it was renewed in 1624, he would have been bound to maintain the garrisons indefinitely, while the instalments would have been suspended. It was said at the time that the cautionary towns were valuable for political and commercial reasons. But it would have been base to keep as our own towns merely pledged for a debt, and foolish to make the Dutch enemies of England. The treaty for the surrender of the cautionary towns was one of the last acts of James I.

The dull course of forgotten diplomacy was suddenly varied by events which still are fresh in the memory of men; Raleigh's expedition to Guiana and his execution. At the court of James a Spanish and an anti-Spanish faction were always at strife, and, although James usually inclined to the first, the second sometimes gained a momentary advantage. Albeit, the archbishop, and Winwood, the secretary, were anti-Spanish, and at this time could count on the help of Villiers. In the hope of breaking off the friendship with Spain, they procured the release of Raleigh from the Tower in March, 1616. Raleigh had repeatedly asked for liberty and for leave to make a voyage to Guiana, a country which, he said, he had occupied in 1595, and which therefore belonged to the crown of England. He believed that he had found there a wonderful gold mine. Now that he was free he desired a royal commission to take possession of the mine, and the contest at court was renewed.

James was always in want of money. As a protestant King ruling over a protestant people, he could not acquire in that paper hell which had converted the new world to the Spaniards and

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Portuguese. But he was then trying to knit a close friendship with Spain. To grant such a commission as Raleigh desired was to invite a Spanish war. For Raleigh's purpose was not merely at variance with the Spanish claim to the whole of America, a claim beyond Spanish power to enforce, and not at all sought by the Virginian colony. Guiana, whether actually occupied by Spaniards or not, lay adjacent to valuable Spanish possessions, and as English colony there would be a menace to the Spanish empire. The Spaniards had always done their best to destroy English settlements on the unoccupied islands of the West Indies, and had treated as pirates Englishmen who sought to trade even with those nations of America who were not really subject to the King of Spain. They certainly would not be withheld from doing the like in Guiana by Raleigh's alleged occupation of the country in 1595. Raleigh, who was well aware of these facts and viewed the Spaniards as natural enemies, would, doubtless, hold that force might be repelled by force, and would be glad of any fair occasion to renew a struggle which he thought just, profitable, and glorious. Sarmiento saw in the grant of a commission to Raleigh a deliberate attack on Spain, and protested against such an outrage offered to a friendly state.

As James did not mean to begin a war with Spain, his only honourable course was to refuse Raleigh his commission. But, divided in his own mind and dragged this way and that by the people about him, he authorized Raleigh in general terms to make the voyage to places in South America or elsewhere inhabited by heathen or savage people, to discover profitable commodities, and gave the adventurers a right to whatever they might find, saving a fifth part to the crown. Sarmiento insisted that Raleigh's real purpose was to make enmity between England and Spain by attacking Spanish possessions. James assured Sarmiento that, if Raleigh acted thus, he would send him to be hanged in the great square of Madrid and render all the booty. He went further and betrayed to Sarmiento what he had learnt from Raleigh under pledge of secrecy, the situation of the supposed mine and the strength of Raleigh's armament. Thus at the same time the king gave Raleigh a commission to do what would almost certainly involve fighting the Spaniards, and promised Sarmiento that, if Raleigh fought the Spaniards, he should suffer death with infamy.

Impoverished as Raleigh was, he had much time in preparation. On June 12, 1519, he sailed from Plymouth with fourteen ships, carrying 900 men. Contingency which delayed his voyage so much that he did not sight the mainland of South America until November 12. Sickness broke out, many of his followers died, and he was laid prostrate by fever. He made the coast near Cape Orange and thence sailed northwards past the mouth of the Cuyana River to the hills of Health. Here he made his final dispositions. Five of the smaller vessels carrying 400 sailors and soldiers were to ascend the Orinoco and seek for the mine. As he was still disabled, Captain Keymis, his devoted follower, was put in charge of the expedition, and his son George Raleigh commanded the soldiers. With the larger ships Raleigh sailed on past the mouth of the Orinoco and came to anchor in the Gulf of Paria, where he could keep guard against the approach of a Spanish fleet. In his former voyage Raleigh had come to know of a Spanish settlement on the Orinoco called San Thomé, situated above the place where the mine was supposed to be. This settlement, he afterwards learnt, had been destroyed by the Indians, and he might infer that there were no Spaniards in that neighbourhood. But the Spaniards had since founded a new San Thomé some way farther down the river. When, therefore, Keymis and his men had cleared the delta, they came upon the new settlement below the supposed site of the mine. Keymis readily concluded that he must take San Thomé before he could attempt his mission. After landing his men a league from the town, he waited till night when he ordered both ships and soldiers to advance against San Thomé. The Spaniards were prepared, but after a sharp encounter they yielded to heavy odds and the English broke into the town, young Raleigh shouting to his men that this was the only mine they would ever find. He was shot dead in the assault. The town was burnt, but the Spaniards still melted in the woods, and Keymis, without discovering a trace of the mine, had to retreat.

Raleigh saw that his expedition had failed. Overcome by sickness, sorrow, and disappointment, he reproached Keymis so bitterly that the poor man retired to his cabin and stabbed himself. Raleigh, it is said, proposed to his officers that they should lie in wait for the Mexico fleet, an action which he con-

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sahly would not have scrupled. As they were not disposed to run the risk, he made first for St. Christopher's and thence for Newfoundland. In June, 1613, he dropped his anchor for the last time in Plymouth Sound.

No matter had the Spanish government learnt of the attack on San Thomé than Sarmiento, whom we may hereafter call by his title of Count of Gondomar, was instructed to demand satisfaction and the exemplary punishment of the assassins. Knowing the king's weakness, Gondomar took the most important time and required him to fulfil his promise of sending Raleigh to Madrid for execution. But though James left to himself might have yielded anything, Raleigh still had some friends in the council, and most of the councillors rejected the thought of such an extreme humiliation. Raleigh was carried up to London and lodged in the Tower. On August 17 he was brought before a committee of the privy council for examination, and then surrounded to give time for collecting further evidence. The keeper of the state papers, Sir Thomas Wotton, was set to play the spy and to draw from Raleigh by insidious questions matter which might help towards his condemnation. Something was gained in this way, but a technical difficulty was found in condemning him to death. By his conviction for treason in 1604, he became dead in the eye of the law. He had never been pardoned, and the commutation given to him in 1610 did not, it was held, operate as a pardon or restore his civil existence. As he could not be again tried or sentenced, the commissioners suggested that Raleigh should be examined once more and allowed to speak in his defence, and that he should then be executed under his old sentence as a traitor; and this course was adopted by the king with the pretence of holding the examination in private. On October 21, therefore, Raleigh was again brought before the commissioners, and on the 22nd he appeared before the court of king's bench, which awarded execution. On the following day he was beheaded in Palace Yard, meeting his fate with the high courage which became a mark of the heroic age of Elizabeth. So much had popular feeling rallied towards him, and so strong was the disapproval of the king's conduct, that it was thought well to draw up a declaration of the proceedings against Sir Walter Raleigh, in which Bacon seems to have had the largest share.

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The king's treatment of Raleigh admits of formal excuse, but can never be justified to plain men. That Raleigh, with all his genius and valour, was an unscrupulous adventurer is true. None the less it was ignoble to give him a counterbalance without granting him a pardon; it was absurd and cruel to send him on an expedition which must almost necessarily end in his doing what the king had undertaken to punish with death; and it was policy to execute him under a stale sentence fourteen years old.¹ James was one of those singular persons who, although not wicked, do things of which the wicked would be ashamed. But the picture of the king's folly would be imperfect without adding that, at the moment when he sent Raleigh on his last voyage, he was pushing forward the Spanish marriage. He named a commission to report on the Spanish overture and suggest the means of trying Spanish desertion. The commissioners affirmed with no great warmth that there was as much assurance of success as in such a case could be had. James then sent Digby back to Madrid to treat on the basis of the Spanish offers, but reserved the future condition of the English Catholics for himself to determine. Digby was to stand out for a portion of at least £500,000 with the infants.

The death of Secretary Winwood in October, 1617, weakened the anti-Spanish party. He was succeeded by a colonisation official, Sir Robert Naunton. Digby found no trouble in negotiating the articles of merely secular import, but on the religious question King Philip would do nothing without the approval of the theologians who were inflexible in demanding terms too high for King James. Thus in the summer of 1618 the marriage treaty came to a stand, and would hardly have been resumed had not the outbreak of the Thirty Years' War given the Spanish king and his ministers a new motive for cupping James and purveying England. Buckingham had veered round to the Spanish party in the course of 1617 and had supported Gondomar's demand for vengeance on Raleigh, thus disappointing, as the queen had foreseen, the politicians who had introduced him

¹ See Spelling, *Life and Works of Bacon*, vol. vi, for an expounded defence of the king's action towards Raleigh. Raleigh's biographers, among whom Edwards, Strickland and Winter may be especially named, have usually taken the part of their hero. See also Camden *Annals*, lib. vi, *Documents Relating to the Walter Raleigh's Last Voyage*.

CHAP. III. to court, but securing his hold on the king's favour. In January, 1628, he was raised to the rank of marquis. Still his power fell short of his ambition so long as the Howards and their dependants held so many great offices and kept a share of the royal confidence. The Earl of Northampton, the lord privy seal, had died in 1624, before the disgrace of Somerset, in which his own name was tainted. But in the same year the Earl of Suffolk had become lord treasurer. The Earl of Nottingham was still admiral. One of the secretaries, Sir Thomas Lake, was their client. They might have held their ground but for faults which enabled Buckingham to displace them to gain credit as a reformer.

Buckingham's first attack was pointed against the treasurer, Lady Suffolk, who had long been a taker of bribes, was formally accused in July, 1628; her husband was next discredited; he lost his office and the treasury was put into confusion. In the following year Suffolk and his creature were prosecuted in the Star Chamber and sentenced to heavy fines and imprisonment at the king's pleasure. Although the penalty was remitted, Suffolk was driven from public life. Sir Thomas Lake shared his patron's fall. He had been drawn by Lady Lake into a disagreeable quarrel with their son-in-law, Lord Roce, which brought them under the correction of the Star Chamber. His secretary, Sir George Calvert, a respectable man of business, might be trusted not to withhold the over-rising inquiries. About the same time, Suffolk's son-in-law, Lord Wallingford, was dismissed from his office as master of the court of wards.

There remained the admiral, the Earl of Nottingham, who thirty years before had vanquished the Armada. Although a man of honour, he was old and careless, and jobbery and peculation had flourished under him. He had chosen for treasurer of the navy the most dishonest and shameless of men, Sir Robert Mansell. In 1603 a royal commission had reported on the abuses in the navy, but without any result; and in 1613 orders for a new inquiry had been belied. But in 1628 Buckingham carried the appointment of a new commission which set to some purpose. The commissioners found that Mansell had kept no proper accounts; that places had been sold in the most improper manner; that the masts had been defrauded of moneys due to them; that charges were annually made for the repair of

ships which had disappeared from the navy, that other ships were repaired in such a slow and careless fashion that decay had begun again before the repair was over, and that many of the ships, far from being fit for service, were ready to sink in harbour. After this report Nottingham could not remain admiral. He resigned and his place was taken by Buckingham in January, 1619. As he really wished the navy to be effective, although he was not prepared to disagree with that purpose, he had the commission reappointed as a permanent board. It built two new ships every year, repaired old ones, and by 1623 had raised the number of vessels fit for service from twenty-three to forty-five. At the same time the annual charge of the navy fell from £15,000 to £10,000. Yet inevitable abuses were not altogether uprooted, and a few years later the navy ill-endured the test of a war against Spain.

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In the general displacement caused by the downfall of the Howards a new man rose to distinction. Lionel Cranfield had begun life as an apprentice to a merchant adventurer, had married his daughter and had become a merchant on his own account. Lord Northampton, struck with his ability, introduced him to the king, and in 1615 he was appointed surveyor-general of customs. Keen, exact, libertine, Cranfield was admirably suited to sit on commissions of inquiry, to track abuses, and to reorganise departments. By a rigorous scrutiny of the household he saved the king £25,000 a year. Succeeding one of the king's favourites as master of the wardrobe, he made large economies there also. He served on the naval commission and on the naval board. While the king's expenditure was much reduced by the reforms made on Buckingham's motion, the king's revenue was swelled by a remarkable increase in the customs revenue, a consequence of the growing prosperity of England. At Michaelmas, 1623, the commissioners of the treasury had hoped for a balance of revenue and expenditure; at Michaelmas, 1625, they ventured to reckon on a surplus. For the first and last time of his life James was independent. But the Thirty Years' War was soon to draw the king into new outlay, and his reign closed as it had begun in financial embarrassment.

Since the Ulster plantation Ireland had remained quiet. But the catholic landowners were haunted by the fear of further confiscation, and all catholics knew how precarious was the tolera-

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tion which they actually enjoyed. The government resolved in 1601 to call the first parliament of the reign, but only with a view to confirm what had been done in Ulster and to harness in one way the catholic religion. It proposed to bring in a bill banishing the catholic priests and inflicting the penalty of treason on those who returned, besides punishing severely the laymen who received priests into their houses. The county members, it was reckoned, would be equally divided between protestants and catholics, and the ancient boroughs would return a majority of catholics. In order to turn the balance in favour of the crown it was determined to make thirty-six new boroughs, with exclusively protestant corporations, which would be sure to return supporters of the government. In fact, thirty-nine new boroughs were created and members were given to the University of Dublin. Some of these boroughs were created after the issue of the writs, and, according to the catholics, the elections were often unfairly held.

Certain lords of the Pale gave the first signal of resistance by a petition against the new boroughs. When the parliament met in May, 1603, the catholic lords renewed this protest. In the house of commons the catholic minority rejected the lord deputy's nominee as speaker, tried to carry a censure of their own and at length succeeded. Then the catholics in both houses joined in asking leave to send a deputation to lay their grievances before the king. Leave was at length granted and the parliament was prorogued. In July, James received the deputation and resolved to send four commissioners over to Ireland to examine into their grievances. The commissioners reported against the catholics on most points, although not on all. The only concession finally made by the king was that, where a borough had been created since the issue of the writs, the members should not sit in the present parliament. At the same time he ordered Clibbester to enforce the laws against recusants, build castles in Cork and Waterford, and forbid marriages between the settlers and the natives in Ulster. Yet soon afterwards he directed the withdrawal of the bill against catholic priests. The second session of the Irish parliament which began on October 11, 1604, proved very calm, for Clibbester, who meant to demand a subsidy, did nothing to provoke the catholics, and the catholics were glad to be let alone. In a third

action, the following year, the same prohibitive temper prevailed. The government accepted an act to remove all legal distinctions between the different races inhabiting the kingdom and another act removing a prohibition on the intermarriage of Irish and Scots, while the houses granted the king a subsidy. The parliament was dissolved, and in November Clarendon was recalled after a memorable term of office which had lasted ten years.

In Scotland James continued to push the Kirk farther and farther towards conformity with the Church of England. He induced the parliament of 1652 to assent by statute the restoration of episcopacy. In 1656 he called a general assembly to be held at Aberdeen, the least presbyterian of Scotch towns, and somewhat difficult of access to ministers from the south where presbyterian feeling was most intense. The assembly gave orders for drawing up a new confession of faith and a new form of public service. But when the king propounded to the bishops five new articles—for the reception of the communion kneeling, for the administration of baptism and the Lord's supper in private houses in case of necessity, for the observance of certain Church festivals, and for the confirmation of children—Archbishop Spaldingwood warned him of the probable resistance in terms so strong that the articles were not passed on the assembly.

In the summer of 1657 James revisited his native kingdom. Great was the scandal when an organ arrived for use in the chapel of Holyrood, and when carved figures of the patriarchs and apostles were set up there; still greater when the king caused the privy council to kneel at communion and when Dr. Laud, Dean of Gloucester, preached in a surplice. A bill enacting that whatever the king should determine in the external government of the Church, with the advice of the archbishops, bishops, and a competent number of the clergy, should have the force of law was brought into parliament, but withdrawn before a protest of the more zealous ministers, although some of those protesting were punished. After giving orders that the five articles should be presented to a new general assembly, King James returned to England. The assembly which met at St. Andrews in November showed a strong distaste for the five articles, and their final adoption was delayed until another assembly, held at Perth in August, 1658. Although every

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means had been used to ensure a majority, it was only the votes of the nobles and bishops which turned the scale in favour of the king. With the adoption of the articles of Perth the crown seemed to have won a decisive victory over the Scotch clergy, but such victories are more disastrous than defeats. While clerical opposition had been silenced, often by harsh or unfair means, the zealous presbyterian laity were not convinced, and James was only preparing that reaction which, under Charles, swept away with the bishops the authority of the crown.

The king's return from Scotland was the occasion of a manifesto which gave new offense to the English puritans, the *Declaration of Sports*. The puritans differed widely from the mass of the people as to the proper observance of Sunday. Holding that Sunday was the equivalent of the Jewish Sabbath, they required strict abstinence on that day from all worldly pleasure as well as all worldly business. To the rest of the nation Sunday was still a medieval holiday, on which men, after divine worship, might practise any lawful recreation, such as archery, wrestling, or dancing. In Lancashire, where the Roman Catholics were sensually numerous and the protestants were largely puritan, some of the magistrates were so active in suppressing Sunday sports that the populace grew impatient. When the king was passing through the county, the lovers of Sunday recreation appealed to him and he decided in their favour. Then the lower class began to abuse their freedom by disturbing public worship. The king, after consulting with Morton, Bishop of Chester, stated his will more explicitly in a declaration which authorised Sunday sports, but only for those who had first attended service in the parish church. Those who failed to attend, whether from conscientious scruples or from mere carelessness, were debarred from Sunday recreation. Some time afterwards James resolved to make this declaration a rule for the whole kingdom and ordered that it should be read from every pulpit. So many clergymen, however, proved unwilling to obey that he withdrew his order.

CHAPTER IV.

THE OUTBREAK OF THE THIRTY YEARS' WAR.

WE have now reached the time at which the European peace so earnestly desired by James was shattered, and James himself was drawn unwillingly into the conflict. Embarrassments abroad forced him to call new parliaments and brought about fresh conflicts between the crown and the nation.

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In Western Europe the battle of the reformation had been fought out with the result that Great Britain was protestant, France was catholic, and the Netherlands were divided between the two. But in Central Europe the decision had been postponed. The failure of Charles V. to assert his own power and the supremacy of the Catholic Church had been followed in 1555 by the treaty of Augsburg, which left every ruler in the empire free to adhere to which faith he pleased and to enforce it on his subjects. In the empire the protestants had once been the more numerous party, but they tended upon the whole to lose ground. The catholics were all united in one communion, but the protestants were divided between Lutherans and Calvinists, who were almost as bitter against each other as against the common foe. The house of Hapsburg, and therefore the emperor, still in a sense the sovereign of Germany, remained catholic. The emperor could count on the goodwill of the hereditary kings of Spain, who held the first place in Europe as a military power, and whose possessions within or adjoining the empire gave them the means of prompt interference. Above all, the catholics of the empire were part of one immense body, the Roman Church, thoroughly organized for attack and defence under a single chief, who could grasp the conflict as a whole, and who possessed in the Jesuits and other religious orders a disciplined force equally devoted and unscrupulous.

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Since the peace of Augsburg, accordingly, what is known as the counter-reformation had steadily gained ground in Central Europe. It became clear that the Roman Church would soon be in a position to appeal to arms, and the protestants grew more and more uneasy, although their funds hindered any useful measures of defence. The reigning emperor, Matthias, was also King of Bohemia and of Hungary, and in these countries the protestants were very numerous. Matthias had no child, and his heir would be his cousin, Ferdinand of Styria, an earnest catholic of that type which had been moulded by the struggle against the reformation. Hitherto he had been confined to a narrow territory, but he had already shown himself the implacible enemy of protestantism. How for the crown of Bohemia was elective, how far hereditary, was doubtful; but Matthias entirely espoused the doctrine that it was hereditary; and, feeling that his end was near, he presented Ferdinand to the Bohemians as their future king, at the same time adducing evidence that the crown was not elective, unless on failure of heirs. Although most of the nobles were protestants, the diet accepted Ferdinand and swore allegiance to him as the successor of Matthias. No sooner had they committed this folly than they had cause to repent. Whether the protestants were enabled by the charter of liberties granted in 1500 to hold churches on the estates of bishops and religious houses was a disputed point. The clergy took heart to assert the protestant claim. Matthias, himself a catholic and upheld by the same zeal of Ferdinand, supported the clergy. Thus the protestants held an informal meeting of the estates at Prague, threw the regents who acted for Matthias out of a window of the castle, appointed thirty directors to govern the country, ordered a levy of troops, and banished the Jesuits. Thus, after putting themselves grossly in the wrong, they entered on a conflict with the whole power of the house of Austria and the Church of Rome.

The German protestant princes were restrained by mutual discord and by loyalty to the emperor, the representative of the German nation, from approving what the Bohemians had done. Yet, since they could not forsake their brethren, John George, Elector of Saxony, and Frederick, Elector Palatine, offered their mediation. Matthias, conscious of his own weakness, accepted the offer, only proposing that Maximilian, Duke

of Bavaria, and the Elector of Mainz, should also be named mediators. But Frederick, young, rash, and hurried forward by the Catholic dread and hate of Roman reaction, gave help undivided to the insurgents.

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Philip III watched with extreme interest all that was passing in the empire. As a Hapsburg, he was concerned for his kinsman Ferdinand; as King of Spain, he was hereditary disciple of the Catholic Church, and he only waited for an opportunity of interfering. But a Spanish attack on German protestantism might lead to a war between Spain and England; and Spain, far gone in decline and almost bankrupt, was in no condition to wage at once a land war in Central Europe and a maritime war on the Atlantic. Before Philip could decide how to act, he must know what the King of England was going to do. So long as Catholics and Protestants were struggling for life, no protestant state could be indifferent to the fortunes of protestants elsewhere. James, as the first protestant sovereign, connected by marriage with one of the leading powers of protestant Germany, had to consider what results might flow from civil war in Bohemia and what he should do if the conflict became general. As yet England was not called to interfere, nor was she prepared to take a principal part in military operations at such a distance. But England might by reasonable efforts prevent Spain from interfering in Germany, and the dispute, thus narrowed, would be closed all the sooner. The end might probably have been attained by a firm tone on the part of the English government. James, however, longed for a Spanish marriage; he took the part of peace-maker, and he expected his brother kings, no less than his subjects, to reward his reward his the accolade of God. Aware of these feelings, Philip and his ministers let James know that they would be glad if he would negotiate in Germany and that they were anxious to complete the marriage treaty. James eagerly accepted the part of mediator, and thus satisfied Philip that it would be safe to help Ferdinand whenever the time should come.

Meanwhile the young Elector Palatine had none of his own which he could not owe to all the protestant or even to all the Catholic princes. While professing to mediate between the Bohemians and Matthias, he hoped to become King of Bohemia himself, and so possessor of a great territory extending across the

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whole breadth of Germany, the chief of the German protestants, and the most powerful prince of the empire. He had sent Baron Dohna to sound his father-in-law, but James, although ready to renew his defensive alliance with the Evangelical Union, would not do anything to justify Frederick's election as King of Bohemia. To explore his views, James sent Lord Doncaster as ambassador to Frederick. On March 29, 1619, the Emperor Matthias died. Ferdinand then notified his subjects in his Bohemian subjects and promised to confirm their privileges, but the dietmen made no reply, and the persons who had undertaken to mediate between them and Ferdinand laid down their thankless office.

Frederick persuaded the princes of the Union to put their forces on a war footing, although he would not avow the object. He had no trouble in gaining Doncaster's approval of a demand for help from King James. Meanwhile it went ill with the Bohemians. Count Thurn, the leader of the revolution, made an incursion into Austria and threatened Vienna with the help of the disaffected protestants. But reinforcements came to Ferdinand, and Thurn was forced to retreat. Count Mansfeld, a soldier of fortune employed by the dietmen, was also defeated by the Austrian general, Bucquoy. When Doncaster went on to offer his master's mediation to Ferdinand, he was gently rebuffed. Then came the election of a new emperor at Frankfurt, and the consequences of protestant divisions were seen. So polluted and so full of mutual distrust and jealousy were the protestant electors that on August 11 Ferdinand was elected emperor without one dissentient voice. The protestant princes of Germany made the same mistake which the protestant estates of Bohemia had made two years earlier, and Frederick became Ferdinand's subject. Two days before Ferdinand became emperor the Bohemian estates had elected Frederick to be their king. If Frederick accepted the Bohemian crown, he would be depriving his sovereign of a kingdom to which most men thought that sovereigns entitled. He looked round for advice. Only three princes of the Union would have him accept; his mother and his wisest councillors urged him to refuse, but his young wife longed to become a queen, and her entreaties together with his own ambition prevailed. He did, indeed, send Dohna to ask the advice of James; but before

James could promise, Frederick had accepted the Bohemian crown, then defying the house of Austria to mortal combat and beginning the Thirty Years' War. CHAP.
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Ferdinand agreed with Maximilian of Bavaria that the Catholic League should oppose Ferdinand's cause and that Maximilian should be awarded with Frederick's lands and elected dignity. Philip at the same time gave orders that the Spanish troops in the Netherlands should hold themselves ready to march. In England many quarters and politicians, the clergy and the nation generally were for the Bohemians, but their zeal far so remote a cause was shallow, and James, who hated war and feared that his son-in-law had committed the sin of rebellion, refused any help to Frederick or the princes of the Union beyond allowing them to recruit volunteers. In this way a small corps was formed and sent out under the brave Sir Horace Vere to aid in the defence of the Palatinate. The Dutch would willingly have gone to war for Frederick but declared that they could not act alone. Finding that there was no little hope of help from abroad, the princes of the Union on June 23, 1620, concluded a treaty at Ulm with the princes of the League by which both confederacies withdrew from the war. The Elector of Saxony fearing lest Frederick, master of Bohemia as well as the Palatinate, might prove a dangerous neighbour, because the ally of Maximilian and the emperor. Then Spinola led 25,000 Spanish troops from the Netherlands to attack the Palatinate, where nothing was ready for defence. A little later the Austrian and Bavarian forces invaded Bohemia, while the Elector of Saxony invaded Silesia. Frederick had wasted his time in the show of repudiy, the Bohemian troops and the Hungarians who had joined them were without discipline, the generals were nearly incompetent, the towns nearly all unfortified. On October 23 the battle of the White Mountain, close to the walls of Prague, ruined the cause of King Frederick and of the Bohemian nation. Only the united and vigorous intervention of all the protestant powers could now save to Frederick any part of his possessions or stay the re-conquest of Germany by Rome.

James was loth to believe that any dispute could be beyond his wisdom to compose. After sending bitter and clatter ambassadors who were everywhere treated with civil contempt, he had been roughly answered by the Spanish invasion of the

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 Palatinate. For, although he would not help Frederick the rebel to keep Bohemia, he would not allow Frederick the con-
 siderable to lose his hereditary dominions, and he required Frederick's
 services to rest upon this delicate distinction. He thought of
 helping the prince of the Union and gave orders for the levy-
 ing of a household. The Prince of Wales, the courtiers, and
 the city of London showed themselves willing, but only a few
 thousand pounds could be squeezed from all the rest of the
 kingdom. It was found necessary to summon a parliament,
 and a proclamation to that effect appeared on November 5. A
 few days later the result of the battle of Prague was known in
 London. Then both ambassadors were sent in many directions.
 Sir Edward Villiers had it in charge to promise Frederick
 help as soon as he should renounce the Bohemian crown. Sir
 Albertus Morton went to Worms with money to help the pro-
 testant princes. Sir Robert Ascham was to ask the King of
 Denmark for a loan. A council of war was appointed to con-
 sider what should be done for the defence of the Palatinate.

As James rarely thought it worth while to study the feelings
 of his subjects, each new parliament brought him unpleasant
 surprises. The people of England wished well to the protestant
 cause on the continent, but they were still more desirous to re-
 dress grievances at home. The old leaders of opposition were
 returned again, and with them Coke, no longer chief justice; and
 one destined to obscure the fame of all the rest, John Pym,
 member for the little borough of Calne. When the parliament
 assembled on January 30, 1621, the king took the occasion to
 excuse former misunderstandings. At the time of his first
 parliament, he was unacquainted with the customs of the king-
 dom. The failure of his second parliament he ascribed to "a
 strange kind of heats called undertakings". He had called this
 parliament of his own free motion. As he had required no
 grant for ten years past and had reformed his expenditures, he
 might well expect them to supply his wants. He would do his
 utmost to bring about a happy peace, but if he could not get it,
 he would spend all his son's blood and his own blood, to save
 the Palatinate and the cause of religion.

The houses did not know that at this time, the king still
 attracted Godolphin to his fullest confidence and asked with him
 about a reconciliation to the Church of Rome. But the houses

of commons showed itself resolute to follow in the track of its predecessors. It began with taking the commons in a body so as to purge itself of remnants. It urged the enforcement of the penal laws against catholics. It went into committee to consider the infringements of liberty of speech in the past, and the committee advised the introduction of a bill forbidding any such infringement in the future. The king sought to divert these discussions by raising the question of supply. After weighing all the circumstances, the council of war had come to the conclusion that an army of 30,000 men would be required for the recovery of the Palestine and that the raising and equipping of such an army would cost £300,000, and its maintenance for a single year £200,000. There is no reason to doubt the correctness of this calculation, but there was not the least hope of obtaining from parliament's grant so enormous. Secretary Calvert, therefore, informed the house that 30,000 men would be necessary, but did not venture to ask for more than £300,000. As an earnest of their goodwill the commons voted two subsidies, or £400,000, although it was unusual to make a grant so early in the session. Then they returned to the consideration of grievances, especially the growth of monopolies and the abuses connected by the monopolists.

Although the principle that commercial freedom, at least within the bounds of the kingdom, is required by public policy had not yet been admitted, the spirit of the common law had always been averse to any restraint of trade. Nevertheless monopolies had been established before the accession of the house of Stuart, especially by Elizabeth. The abuses and hardships which inevitably followed had aroused so much disapproval that Elizabeth's last parliament protested strongly, and Elizabeth thought well to soothe the commons by declaring that all the patents should be examined and such as were found to be injurious should be recalled. Under James the practice of granting monopolies continued. Some of these monopolies were given to reward inventors or introducers of new industries or new processes, and were analogous to the patents of our own time. In other cases the advantages of hindering trade and securing a better quality of goods were alleged as reasons for the grant. But, whatever the motive of the grant, it was commonly made on the request of persons having influence at court, who resort

CHAP. IX. to sell the working of the monopoly to men of business. The results of the system under James were such as it had produced under Elizabeth, and the general discontent was as bitter as it had been twenty years before.

One monopoly was rendered especially odious by the tyrannical measures taken in its defence. A patent for making gold and silver thread had been granted to certain persons who alleged that they were virtually introducing a new industry. Infractions of the patent having drawn the attention of the council, it was repeatedly discussed and at length a fresh patent was made out to the old patentees along with some new persons. They were to import bullion to the amount of £4,000 a year, and make good to the treasury what it might lose in the duty on imported thread. Buckingham's half-brother Sir Edward Villiers embarked some capital in the undertaking. The goldsmiths challenged the validity of the new patent as of the old, and went on making the patented commodities. Apparently because the court of exchequer could not be trusted to convict them, the king by proclamation recalled the patent and took the business into his own hands, while granting pensions secured on the profits to Sir Edward Villiers and to another brother of Buckingham who had no claim whatever. Bacon justified the resumption of the patent by quoting an obsolete act of Henry VII., which forbade the use of gold or silver for such a purpose. He went further, and advised the appointment of a commission to discover and punish those who infringed the monopoly, so that they were thus denied the benefit of a hearing in the ordinary courts. Although the commissioners acted with vigour, their powers were deemed insufficient and a new commission giving larger powers was issued in October, 1618. Among the commissioners Sir Giles Mompesson, a kinsman of Buckingham, and Sir Francis Nicholl distinguished themselves by their tyrannous zeal. As even their efforts did not suffice, the chancellor and the chief justice, Mordaunt, advised that the goldsmiths and the silk weavers should be forced to give into bonds not to sell their materials to unlicensed persons. Some silk weavers who refused to do so were sent to prison by Bacon, but such was the indignation in the city that the king ordered their release. The government persevered, however, in upholding the monopoly and the public were still angry when the new parliament

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assembled. Baco's action in this matter has been excused on the ground that he, like his contemporaries, attached a peculiar importance to everything which might affect the trade in bullion.¹ But it is hard to believe that so wise a man would have gone so far in a course equally unwise, unjust, and unpopular, if the House of Commons had not been concerned in preserving the monopoly of gold and silver thread.

The commons resolved to investigate the monopolies in a committee of the whole house. Towards the patents creating monopolies rightly so called there were other patents equally oppressive and unpopular. Thus a patent had been issued to Sir Giles Mompesson and two others, empowering them to grant licences to inn-keepers. It was taken first; Mompesson and others were examined, and it was shown that the patentees had been guilty of infamous tyranny. They had licensed houses of bad repute, while they had extorted money from honest inn-keepers, and had tried to ruin by prosecution all who withstood their exactions. A patent for licensing alehouses was considered next and found to have been used as a means of buying blackmail. It appeared that Sir Francis Michel had used his authority as a magistrate to further this extortion. An outbreak of natural anger led the house into usurping the duty of a court of justice. On Coke's motion Michel was sent to the Tower and declared unfit to hold any magistracy. But the commons were obliged in a few days to own that they had no jurisdiction over such offenders and to proceed against Michel by way of impeachment. The same course was taken with Mompesson, who despatched commissioners by night to the country.

Hitherto no great pecuniary had been called in question. But Now and Coke dwell on the fact that patents creating a monopoly had never been issued without previous reference for consideration to persons high in the service of the crown, who were therefore accountable for the ill-effects which those patents might have occasioned. The inquiry into the patent for making gold and silver thread revealed such crying offences that the commons resolved to demand an inquiry into the conduct of the referees. Men in the highest place would thus be called to account before a parliamentary tribunal. The king, enraged

¹ *Blackstone, etc. note.*

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17.

at the holders of the commons, interposed, and would have had them lay aside all other business until they had voted the subsidies; but, finding that the peers would not help him, he drew back and left things to take their course. Buckingham, by whose means so many patents had been issued, felt alarmed for his own safety, and sought the advice of his friend John Williams, Dean of Westminster. With some grave faults Williams had more sagacity than any other clergyman of that age. He warned Buckingham of the folly of trying to resist the commons where they were so clearly performing a public duty. The only safe course was to intercept the honour of a reform which could not be prevented, to induce the king to rescind the monopolies, and to leave those who had abused his confidence to their punishment. Buckingham was convinced. He hastily persuaded the king to do what he wanted and took the first occasion of professing his zeal for the redress of grievances. The result justified Williams, for the commons, although they went on with a bill against monopolies and with the impeachment of Monmouth, dropped their demand for an enquiry into the action of the reform.

Bacon had been so much alarmed at that demand that he had advised the king to interfere again. Those that will smile at your chancellor, he wrote, it is much to be feared will smile at your crown. He did not suspect a more serious danger. The committee of the commons appointed to inquire into abuses in the courts of justice had discovered certain malpractices on the part of the registrars in chancery. Their witnesses came forward with charges of corruption against the chancellor. When the chairman, Sir Robert Philips, brought up the report of the committee, he was ordered to lay those charges before the house of lords. Bacon had already appealed to Buckingham as the victim of undeserved persecution. James would doubtless have interfered to stop the political uprooting of a minister, but he felt the shame and the danger of trying to stifle an honest inquiry into judicial corruption. Although still Bacon's friend, he would not engage in conflict with the house of commons to screen him. He suggested, indeed, that the charges should be tried before a court of six peers and twelve members of the commons named by himself. The commons might have been tempted by the prospect of gaining so much judicial power, but

the wise members saw that by making a precedent of this kind they would render the king arbiter of all such prosecutions in future and would estrange the lords, whom aid the commons could not afford to slight in their controversies with the crown. At the advice of Coke and Sackville the house resolved to return no answer to the king until they had consulted with the lords, and when this was made known to the king, he said no more. After a conference between the houses the evidence was placed in the hands of the peers, to use as they saw fit. They resolved to call witnesses themselves, and charges accumulated against the chancellor.

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The conference took place on March 19. Although Bacon made light of the accusations brought against him, distress had preyed on his mind so much that he was too ill to leave his house. A week later the king addressed the houses with more than his usual tact, promising to recall the patents which had been condemned, and while forbearing from all interference exhorting them to keep a judicial temper. The houses were then adjourned, but committees of the lords met to take evidence, and when parliament re-assembled on April 17 the results were embodied in one report. It was enough to ensure condemnation. In some of the cases charged against him Bacon had done no more than accept a present from one of the parties to a suit after he had given judgment; a practice which, however harmful, was then recognised, and therefore not to be treated as corruption. But there were other cases in which he had taken presents of great value while the suit was pending. Bacon himself, when he had seen a copy of the depositions, despaired of his cause. He brought the king to persuade the lords to be content with his submission in general terms and his resignation of the great seal. Next day he made such a submission, entreating the lords to spare any farther sentence.

The lords, declining a discussion so general, sent him a copy of the evidence and the articles of accusation, in order to give him the means of confusing point by point. Six days later Bacon made a full confession of guilt. Then a deputation of the lords came to learn whether his signature was genuine. "My lords," said the unhappy man, "it is my act, my hand, my heart. I beseech your lordships be merciful unto a broken reed." Having obtained the king's authority, the lords sent

CHAP. another deposition to demand the surrender of the great seal.
IX. Bacon was still too sick to attend at the bar, but on May 3 it was resolved with one voice that he had been guilty of corruption. He was sentenced to pay a fine of £40,000, to be imprisoned during pleasure, to be incapable of any place or employment, and to be disabled from sitting in parliament and from coming within twelve miles of the court. Buckingham alone voted against the sentence. Thus ended the public life of the most illustrious among the many earnest men who have borne the great seal of England.

Much affectionate ingenuity has been spent in proving on Bacon's behalf what none would have attempted to prove for a less distinguished offender.¹ It has been said that Bacon took gifts in more cautiousness, or after convincing himself that he might honestly do so; poor excuses for a weak man, and worse for a man so acute and industrious as Bacon. It has been said that Bacon cannot be shown in any one case to have been deterred in his judgment by the law; and the same may be said of every corrupt judge. It has been urged that neither house was well fitted to conduct judicial inquiries, which is true; but neither house betrayed any malice against Bacon. Far from trying to shake the evidence collected by them, Bacon resigned the thought of defence as soon as he knew what could be proved for the prosecution. He behaved with all the dignity possible in such a downfall, but the inference that he felt himself pure might seem too much even for the simplicity of a biographer. The commons did no more than their duty in exposing the grievance of the subject and the lords did no more than their duty in punishing the guilt of the character. The king, who allowed the law to take its course, and then remitted all the penalty save exclusion from office and from parliament, was a better friend to Bacon than some of his modern apologists.

The condemnation of Bacon is memorable on other grounds than as it affects Bacon's character. That a great officer of the crown should be called to account by parliament was an event which had not occurred since the reign of Henry VI. It is

¹ Spalding, *Letters and Life of Bacon*, vii., ch. 2, criticises the facts and assigns the reasons. Gardiner, *ch. xviii.*, is more favourable, but still indignant.

true that the proceeding against Bacon was not technically an impeachment, for the commons did not act as prosecutors, they merely sent up to the lords the evidence which they had collected. It is also true that the chancellor was tried, not for differing from the houses in policy, but for a breach of the criminal law. It was criminal, not political, responsibility which the houses sought to enforce, and for this reason James had not impeached. Nevertheless Bacon's trial marks the first stage of a revolution which ended by making ministers generally accountable to parliament; for if men think a minister's policy wicked and pernicious, they are apt to make him out a criminal, and they are wiser to do so, if they know not how to get rid of him in any other manner.

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The other proceedings of the session were of far lower interest. That Mompelous, though absent, and Michell should be prosecuted to conviction; that the patent for licensing inns, the patent for licensing ale-houses and sundry monopolies should be voted to be grievous, were matters of course. But one incident must be recorded as showing how readily the houses under the impulse of passion could play the tyrant as well as even did the Star Chamber. A certain Floyd, a barrister, an old man and a catholic, was accused of casting over the battie of the White Mountain and speaking scornfully of Frederick and Elizabeth. Without a shadow of right the commons had him brought to the bar and, although he denied the charge, heard witnesses against him. Then member after member, even among the better sort, vied in proposing cruel and outrageous punishments. At length the house sentenced Floyd to be pilloried three and to pay a fine of £1,000. When the king, through the chancellor of the exchequer, asked them for proof of their jurisdiction in such a case, they had sought to answer and could only ask that he would confirm their sentence. The king then declared that he would leave Floyd to the judgment of the house of lords. The lords, not to be outdone in loyalty, raised the fine to £1,000 and added the pains of whipping and perpetual imprisonment. The king at once remitted the whipping and, after the aid of the commons, remitted the fine and gave Floyd his liberty. Never did he appear to more advantage in comparison with the houses than in his mercy to Floyd.¹

¹ *Commons' Journals*, i., 324-325; *Lords' Journals*, II., 110-12.

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77.

JAMES was fast becoming weary of the parliament. When it re-assembled in April, he had made known that the subsidies already voted were spent, and he had asked for a further supply to make those warlike propositions which were necessary even for treating with the hope of success. The house of commons, however, took no notice. At the end of May it was still immersed in grievances and seemed most unlikely to give more. The king bade the commons wind up their business within a week, in order to an adjournment. Before dispersing they resolved on a declaration that, if the treaty failed, they would be ready on re-assembling to adventure their lives and estates for the maintenance of the cause of God and of his majesty's royal issue. The declaration was adopted with one voice, the members rising, waving their hats and shouting, so that the like had scarcely ever been known in that great assembly. Nor need we doubt that the emotion, if transient, was sincere. But neither the English people nor the English parliament seriously thought of waging a costly war in Central Europe to recover the Palatinate. What they desired was a war with Spain, a useful diversion for the protestant cause in Germany, but also a likely means of gain and glory for England.

Little as King James liked the vulgar to meddle with mysteries of state, he welcomed the dedication of the commons and had it translated into foreign languages as a proof that his subjects were eager to uphold his policy. But he was still displeased on various grounds with particular members of either house. The Earl of Southampton and the Earl of Oxford and Sir Edwin Sandys were imprisoned; and with them one not yet a member, John Selden, who had given a legal opinion in favour of the house of commons. This severity was only for a moment. Dean Williams had gained so much credit by the success of his counsel to Buckingham that he was made Bishop of Lincoln and lord keeper. His voice was still given for instant and popular reform. All the persons lately imprisoned were set free and even the unhappy Earl of Northumberland regained his liberty. A number of monopolies were recalled and some smaller abuses remedied by proclamation. Cranfield, who had shown remarkable tact in gaining the confidence of the majority of the house of commons without losing the confidence of the king, was amply rewarded for his services. A)

the close of the session he was created Baron Cransfield, in September he succeeded Lord Mansfield as treasurer, and a year later he became Earl of Middlesborough. Scarcely any layman of humble origin had ever risen to so great a place in England before.

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Meanwhile no progress had been made towards ending civil strife in Germany. After the battle of the White Mountain, Frederick still held some fortresses in Bohemia together with Silesia and Moravia. But these positions could not be maintained against the Saxons on the one side and the Austrians on the other. Frederick had to flee from Breslau as he had fled from Prague. On January 12, 1711, the emperor proclaimed his ban against Frederick and his followers, who were to suffer forfeiture of their lands and houses, execution being entrusted to Maximilian of Bavaria. Frederick took refuge at the Hague, hoping to interest the Dutch in his cause, so nearly bound up with their own. At the beginning of April the protestant princes dissolved their Union and recalled their troops from the Palatinate. In May, James sent Digby to Vienna to demand that the emperor should pardon Frederick upon his renouncing Bohemia and making submission for past offences, and to threaten war in case of refusal. Digby reached Vienna early in July and received a friendly answer. Frederick refused to make any submission. But when Maximilian invaded the Upper Palatinate, Mansfeld was unable to stand his ground and retreated into the Lower Palatinate.

Such a state of affairs might have perplexed the wisest mediator. James was throughout misled and bemused by the fixed persuasion that, if he could effect a marriage treaty with Spain, Spain would use all its influence, nay, take up arms, to bring about the restoration of the Electoral Palatinate and a settlement of Germany agreeable to the protestants. Profiting by this illusion, the Spanish government had from the outbreak of the Bohemian troubles shown renewed interest in the marriage scheme. James had made Digby a Baron that he might be more equal to this high negotiation, and had suspended the laws against the recusants at the very time when the protestant zeal of his subjects was rising to fever. Philip had held him in play by applying for a dispensation which the pope would not grant save on the hardest conditions, so that month after month

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was sent to pass in letters and messages between Rome and Madrid. Early in 1620 Gondomar returning to England quietly resumed control over the king, who fancied himself the arbiter of Europe. Then the weary haggling over religion was renewed. James was ready to allow the infants the free enjoyment of her own faith and to grant the catholics a virtual toleration. Gondomar wanted more, but would not kill the treaty by demanding full freedom for the catholics. In March, 1621, Philip III. died, and his successor, Philip IV., idle and ignorant, left all business to favorites, among whom the Count of Olivares soon gained and long kept an ascendancy which made him the real ruler of Spain.

At length, in October, 1621, Digby, returning from his fruitless embassy, roused the king to send a little money for the soldiers in the Palatinate and to summon parliament. Even then James assured Gondomar that nothing should be done to displease the King of Spain. When parliament met on November 20, the lord keeper on the king's behalf advised the commons to make a grant for the relief of the Palatinate, postponing all other business to the spring. Soon the old divergence between James and the commons reappeared. The delicate subject of freedom of speech was discussed again. When the house went on to consider foreign affairs, the sense of the majority was all against the policy of the king. They hoped to secure by a war with Spain the very benefits which he hoped from a Spanish alliance. Forrest, Digges, Phelps, and Coke all gave expression to the general hate and fear of the Spanish king. On the other side, Rudyerd, Saville, Calvert, and Wentworth urged the instant needs of the Palatinate. At last the commons agreed to give a small supply for the maintenance of the troops in the Palatinate, leaving further grants to wait for fuller information. At the same time they resolved on a petition that the laws against the papists might be duly executed. The petition as finally settled was apt to offend the king in every way. It declared that the favour shown to the Spanish ambassador and the expectation of a Spanish marriage had raised the spirits of the papists; it called for severity against them and a war against Spain, and asked for the marriage of the prince to one of his own religion.¹

¹ Wentworth, *Historical Collections*, i., 92.

James, having heard of the contents of the petition from CHAP.
12. Gordon, did not wait to have it presented, but wrote a sharp letter to the speaker, forbidding the house to meddle with mysteries of state and warning them that he thought himself very free and able to punish any man's misdemeanours in parliament.¹ Then the house refused to enter on any business until their privileges had been cleared. In a second petition, while yielding on other points, they maintained as they had done at the beginning of the reign that their freedom of speech was their undoubted right and inheritance derived from their ancestors, and brought the king to take away the doubts and scruples raised by his late letter.² A deputation sent with this petition to the king at Newmarket was not suitably received. James gave its members a letter for the house in his own strange style, again asserting the commons of encroachment on his prerogative and insisting that their privileges were derived from the grace of his ancestors, although, so long as they contained themselves within the bounds of their duty, he would be careful to preserve their useful liberties.³ Again the commons felt that they could not let the claims thus made pass unchallenged. All agreed that the house should go into committee to take its privileges into consideration. James then wrote to Secretary Calvert, explaining his words, but without admitting the contention of the commons. In a subsequent letter he told them that, if they would leave the session end at Christmas, they must go to work at once, and he would be content to have the liberty in the next session. The house, while thanking the king for his letter, was firm to make a protestation of its privileges.

The protestation asserted once more that the liberties and privileges of parliament were the ancient and undoubted birth-right and inheritance of the subjects of England, and that all affairs concerning king and realm and Church were proper subjects of counsel and debate in parliament. It was not laid before the king but simply entered on the journals of the house.⁴ On December 19, the parliament was adjourned until February. After Christmas the king went for the journals and in full council tore up the protestation with his own hand. Calvert and

¹ *Parliament*, i. 21. ² *Ibid.*, 22.

³ *Ibid.*, 24. ⁴ *Ibid.*, 25.

CHAP. IV. Philip and a less distinguished member, Mallory, were sent to the Tower, and Pym was ordered to confine himself to his house in London. Finally the parliament was dissolved on January 6, 1622.

In former parliaments religion and taxation had been the chief matters in dispute between king and commons. In this parliament a new theme of contention was found in foreign policy. James was resolved to pursue a course in foreign affairs which his people could ill understand and, so far as they understood, abhorred. James dreamt that he could compose Europe with the help of Spanish good offices; his subjects wanted to aggrandize their country and religion by a war with Spain. James wanted to effect a Spanish marriage in order that Philip might help in retaining an enemy of the Church of Rome and a rebel against Philip's kinsman the emperor to those lands and persons of which in Philip's estimation he had been most righteously deprived. His subjects felt that a wife commonly has some influence with her husband, that a mother almost always has great power over her children, and that a Roman catholic marriage for Prince Charles implied perhaps a catholic policy in the next reign, and probably a catholic sovereignty in the reign following. James earnestly desired to calm the strife of religions, but by awakening the reasonable fears of his subjects he sharpened their cruel intolerance. Had he married his heir to a protestant princess, Englishmen would have felt secure against a catholic reaction; the house of Stuart might have been confined on the throne, the pasture might have become less narrow and bitter, and the struggle for fuller political and religious liberty, although it could not have been avoided, might have been softened.

The folly of rulers is sometimes more productive than their wisdom, and the intolerance of the English government has helped to diffuse the English race- and speech-over the largest part of North America. Those persons who shook off all connection with the Church and became known as Brownists or separatists found their condition so painful and dangerous in England that even before the death of Elizabeth many had emigrated to Holland. To fly from persecution was itself a crime, since none might quit the kingdom without the royal leave which would not be accorded in that case. Nevertheless

a little congregation which had gathered round a deprived minister named Richard Clifton in the village of Scrooby in Nottinghamshire, and had come to adopt separate opinions, made up their minds to flee and join the brethren in Amsterdam. After a first failure to escape by way of Boston, they struggled over sea by one in the course of 1608. But finding that the community at Amsterdam, though small and obscure, was split by theological disputes, they departed thence and dwelt at Leyden for the next eight years, maintaining themselves by the labour of their hands and worshipping in peace after their own fashion, for the republic was of all great powers the most tolerant. John Robinson, a deprived clergyman of Norwich, succeeded Clifton as their spiritual guide and gave them a coherent doctrine. Still they desired to find a home where they might preserve their peculiar faith and manners in original purity and be joined by others who shared their tenets. And thus in the year 1619 they formed the resolution of emigrating to the new world.

They first obtained an indirect sanction from the crown that they should not be molested for their religion in those remote lands. Then, as they proposed to settle near the mouth of the Hudson, within the northern limit of the region assigned to the Virginia Company, they obtained the company's patent. They had next to find money, which they could only do by an agreement with a certain Thomas Weston that he should form a partnership to advance the funds and to share the profits of their undertaking. In July, 1620, the little band left Leyden for Southampton, where the *Mayflower* of 120 tons and the *Speedwell* of 60 were waiting to bear them to America. Men, women, and children they numbered in all about 120 persons. Early in August they cleared Southampton Water. The *Speedwell* was declared to be leaky, and at length they were forced to leave her behind at Plymouth with those who lost heart when they came to try the terrible voyage. On September 6 the *Mayflower* left Plymouth, and on November 9 the emigrants sighted Cape Cod; but two months were spent in reconnoitring, often under extreme hardship, and at length they planted their settlement, not where they had at first designed, but a long way further east and outside the domain of the Virginia Company. It was not until December 11 that they landed on the shores of Plymouth Bay, a name given by

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IV

an earlier explorer. They had already drawn up an instrument of government and chosen one of their number, John Carver, to be governor. Their sufferings were only begun, for they had come ashore in the depth of that New England winter which turns modern art and luxury to make it endurable. Half of their number died of hardship and disease before summer came, although the strong ministered to the weak with a constancy and a charity which more orthodox Christians have not always shown in such severe trials. Had not the Indians been lately almost swept away by pestilence, the settlement would scarcely have survived many months.

When summer came the severest trial of the colony was over. The new governor, William Bradford, proved critically fit for his difficult office. Soon the colonists had earned their own subsistence, and by 1621 they had a surplus of corn for sale to the natives. In 1621 they closed their connection with Weston's partnership, which transferred its interest to six of the chief men of Plymouth. Other settlers came out and new establishments were formed in Massachusetts Bay. In 1630 Massachusetts received its first charter from the crown. It remained a puritan colony throughout, but its puritanism was fiercer and more insistent than that of the pious fathers who founded Plymouth.

CHAPTER V.

THE CLOSE OF THE REIGN OF JAMES I.

NOW that James had quarrelled with the commons, he could not look for parliamentary supply, and without that supply he could not wage war. No sovereign can gain much even by the most skilful diplomacy, when his rivals and enemies are convinced that he cannot fight. James was forced to rest all his hopes for the recovery of the Palatinate on the good offices of Philip, while Philip was freed from the haunting fear which alone could make him desirous of gratifying James. As Philip was secure, the emperor might exact the full penalty from Frederick without regard to the wishes of the King of England.

In Germany the need for action became more pressing every moment. James gave out that he would send 8,000 foot and 1,500 horse to Frederick's help, and, in order to save funds, he added to the impositions and demanded a benevolence. But these means were wholly inadequate and the force never came into being. Count Tilly and the Bavarian troops in concert with the Spanish forces drove Frederick and Mansfeld out of the Lower Palatinate. Heidelberg was taken by Tilly on September 6, Mannheim fell in the following month, and by the end of November Frederick's banner waved over Frankenthal alone. James was steadily driven back upon that last expedient, a marriage treaty with Spain. He sent back to Madrid Digby whom he created Earl of Bristol. Philip and his advisers abhorred the treaty in their hearts and were resolved in any case not to make war against the emperor; but they meant to hold the bait of a marriage before the English king as long as possible, and at length to lay the whole blame of disappointment upon the pope's captivities. To aid in the conduct of this thorny business, Godesman had been recalled from England in May. At Madrid

CHAR. he worked with his usual skill to further the negotiation, for he really thought the marriage desirable, if concluded on terms of sufficient advantage to Spain. The court of Rome after mature deliberation requested for its assent to the marriage conditions so severe as to threaten an end of the treaty. The Infanta's chapel was to be open to all who wished to enter, all her servants were to be catholic, the priests of her household were to be free from subjection to the law of the land, her children were to be educated by their mother, the boys until fourteen, the girls until twelve years of age. A general liberty of worship for catholics was also demanded, and the hope was expressed that the King of England himself might return to the true faith. Even James was provoked by these demands into declaring that, if his former offers were not accepted within two months, the negotiation must end. But he could not long so hope so long cherished, and he saw no other means of helping Frederick. He was urged in the same direction by the joint influence of his favourite and of his only son.

Charles, Prince of Wales, had reached his twenty-second year. After a brief period of ill-will he had fallen under Buckingham's fascination, and was thus led to interest himself in the project of a Spanish marriage. He had even offered to visit Madrid incognito, if Gonsiorus on his return home should approve of the adventure. In order to learn how such a visit would be taken, the friends sent Eudymon Porter, a clerk of Buckingham and gentleman of the prince's bedchamber, on a secret mission to Madrid. The Infanta Maria, the destined victim of all these diplomatists, a good simple girl of narrow understanding and impeccable piety, looking a heretic for a husband, told Olivares that she would rather go to a nunnery, and besought Philip to save her with as much fervour that his heart consented and he bade Olivares find some way out of the marriage treaty. The king and his minister were, notwithstanding, resolved to play the comedy as long as possible, in the hope that Rome would break off the intrigue when necessary. They no longer insisted that the Infanta's chapel should be open to the public. They would be content that she should have the education of her children to the age of nine. They would accept an informal letter from the king and prince, promising to refrain from any persecution of the catholics, to allow them,

in fact, the free exercise of their religion in their own homes. They promised their best endeavours with the pope to accept this compromise and to sanction the marriage without delay. But they declined summoning the emperor to surrender the towns of the Palatinate within a fixed time.

Endymion Porter, bearing the amended articles of the marriage treaty, reached England in the beginning of January, 1623. James and Charles signed them without demur as well as the letter required by Philip, but this was not to be deluded until the dispensation had come from Rome. The king might flatter himself that his policy was on the verge of success. He consented that Charles should visit Madrid, intending probably that, when the negotiation had been completed, the prince should embark on the fleet which would sail under Buckingham's command to fetch home the infants. The friends proposed to do something more romantic. They would travel post to Madrid, break in upon the solemn Spanish court and convince the infants of her lover's devotion by the toil and pain which he had endured for her sake. In February they told the king what they wished to do and he again assented. On the next day his mind changed him. At that time the person of a prince was of more account in politics than now, and the sanctity of international law was less considered. Should the King of Spain find the heir of England in his power, he might be tempted to hold him as a pledge for further concessions in the marriage treaty, if for no other object. The journey across France was not without danger. An affectionate, nay, a doting parent, James resolved, not indeed to forbid the adventure, but to beg his son and servant that they would buy it aside.

Charles and Buckingham had named for the companions of their journey Francis Cottington, the prince's secretary, and Endymion Porter. When, therefore, they came to the king to settle the details, he sent for Cottington, and asked what he thought of the journey. Cottington in much agitation replied that he could not think well of it. James fell back on his bed weeping and crying out that he should lose "Baby Charles". While Charles out of respect stood silent, Buckingham raised Cottington like a slave, told the king that, if he now recalled his permission, he would be covered with shame, and forced him

CHAP. V. to an absolute surrender of his fears and scruples.¹ Cottington and Porter were sent before to hire a vessel, and on February 17 the prince and Buckingham set out in disguise with a few attendants. On the 19th they landed at Boulogne and on the 21st they reached Paris, where Charles at a masque beheld his future bride, the Princess Henrietta Maria. Then sailing post across France, the young men reached the frontier on March 2. Five days later they dismounted at Bristol's house in Madrid. Gondomar was soon informed of their arrival and carried the news to Olivares.

Strange in itself, the adventure was doubly surprising to Spanish statesmen, who had always seen their own prince submit every impulse to a rigid, almost Oriental etiquette. Olivares could not believe that Charles had acted thus without any serious meaning, and, as he could not imagine a man earnest in any faith save that of Rome, he inferred that the prince must have come to Madrid resolved to change his religion. If this were so, Olivares could reconcile every consideration. The marriage would become desirable in the eyes of his king and countrymen, the scruples of the Infanta would be hushed, England would probably return to the catholic faith, and all anxiety about German politics would be assuaged. Philip shared his minister's satisfaction and the prince was welcomed with every refinement of Spanish courtesy.

On March 8, Buckingham had an interview with Olivares, and on the next day Philip met Charles for the first time. Then followed a strange intricacy of mutual misunderstanding and falsehood. Although Buckingham declared that the prince had no intention of forsaking his religion, Olivares professed the utmost zeal to hasten the marriage. Charles and Buckingham wrote home that the pope was the only hindrance, and scolded the king about acknowledging him as head of Christendom. Even Bontel was moved by current rumor to ask the prince whether he really meant to become a catholic. Finding that Charles was resolved not to change his religion, Bontel advised him to speak out, since the Spanish court would delay the disposition as long as he seemed to waver. So it proved. Ol-

¹ *Charles, History*, v., 209; but see the evidence by Gorton, *ib.* 212.

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ness, throwing all the blame of delay upon Rome, hinted that the prince's promise of full freedom to the English catholics would end the matter. Buckingham had no power to go beyond his master's promise to enable at the catholic worship in private. Then Olivares turned to the Marquis De Mancini, who procured this concession sincere and irrevocable. Olivares, no longer desiring to effect the marriage, sent the Duke of Pstrana, ambassador to Rome, nominally to hasten the dispensation, really to ensure the pope's refusal. It was too late. Before Pstrana could reach Rome, Olivares learnt that the curia had resolved to grant the dispensation. It came, but clogged with hard conditions. It was not to be delivered until the prince had given security for his promises, and Philip had sworn that he would exact performance from England even by arms if necessary. At the same time the marriage articles had been altered in several respects to harmonise with the former demands of Rome.

Charles made little way with his wooing. A solemn visit to the infants did not propitiate her in his favour. An attempt to approach her more familiarly in the palace garden nearly put her to flight. In other ways he found himself ill at ease. King James had sent out a number of gentlemen and servants to make a fitting retinue for his son. Upon a hint from the Spanish minister, Charles thought well to bid most of them return from Santander, where they had disembarked. He was not allowed to hear the English Church service in the palace. Buckingham's arrogant ill-manners gave general offence to the Spaniards and provoked a personal feud with Olivares.¹ Yet Charles was prepared to make any concession, bind himself by any undertaking, sooner than acknowledge that his boyish enterprise had been a folly. Step by step he gave way to the theologians who guarded Philip's conscience. Finally they declared that the infants must remain in Spain for a year after her marriage. In the interim the freedom granted to the catholics must legally be proclaimed in England; the king, the prince, and the privy councillors must swear that it would never be revoked, and they must at least make some progress in getting the approval of parliament. Charles again

¹ *Charles, ch. 26*, has shown that Buckingham's ill-manners were only a minor cause of the feud between them.

CHAP. V. yielded and sent Cottington to England to ask for the king's consent to the latest articles.

Careless of his own dignity and only longing to see his son once more, James agreed to these hard terms, but urged Charles to return without delay. Philip and Charles signed the marriage contract on the understanding that the infants should not go to England until the spring, although the ceremony was to be performed as soon as James had sworn to the articles and the pope had given his approval. The tedious treaty seemed at length completed and the prince might deem himself the betrothed of the infants. Soon afterwards it was known that James and the privy council had sworn to the marriage articles. Charles and Buckingham desired the king to command their return, in order that they might press for a speedy celebration of the marriage and that they might take the infants with them, a favour which they still hoped to obtain. But on this point Philip was firm. Religious squabbles between the prince's attendants and the Spanish priests led Philip to require that Charles should denounce every protestant in his train. Charles next learnt that the King of Spain would not quarrel with the emperor to please him nor promise to effect the restoration of the Elector Palatine. The delivery of the dispensation was delayed by the illness and death of Gregory XV., and at length Philip told Charles that he could hasten further the completion of the marriage by returning to England to advise his father.

On August 28 Charles solemnly swore to the marriage treaty and undertook to leave his proxy in Bostall's hands. He then bade farewell to the infants, and went with the king to spend one or two days at the Racour. On September 2 he parted from Philip. Each testified the warmest affection for the other, but Philip rejoiced to feel that his long embarrassment was nearly over, and Charles felt all the sullen rage of a youth who has been delayed for the first time. His passion for the infants, at best no more than a boy's caprice, was all turned into a longing for freedom. The next day he wrote from Sagovia to Bristol to withhold the proxy until security had been given that the infants, even although betrothed, would not give herself from a debated union by going into a convent. On the path he reached Santander, and a few days later he sailed for England, landing at Portsmouth, October 5. The nation was delighted to welcome

the prince home, doubly delighted because he had come without the infants. With him came Buckingham, whom James had created a duke while he yet hoped that the visit to Madrid might prove successful.¹

Charles poured forth to his father all his pent-up bitterness against the Spaniards, and James learnt the fishes of the scheme on which he had lunched so much vain toil and for which he had stooped to so many humiliations. At no time, however, could James withstand the impetuous will of any person whom he loved, and now that he was visibly declining he became the passive instrument of his son and favourite to unravel the work of anxious years. The king wrote to Bristol that the marriage could not take place until satisfaction had been given regarding the Palatinate. The King of Spain naturally replied that he could do no more than urge restitution to Frederick's descendants. James next demanded that the infants' whole dowry should be paid in ready money, a thing quite impossible, and ordered Bristol to leave Spain unless Philip complied within twenty days. Meantime the new pope, Urban VIII., had authorised the nuncio to deliver the dispensation, and the date for the ceremony, November 29, had been fixed. Only three days before that day Bristol received a peremptory order for postponement. Philip thereupon stopped all preparations for the marriage and ordered the infants to cease her study of the English language. The imprudence of James and Charles had allowed him to withdraw honorably from an alliance which he had never desired.

In wishing to show forbearance towards catholics at home and to live in peace with catholics abroad, James was wiser than most of his subjects and may claim the regard of later ages. But he was guilty of a gross breach of trust in consenting to make the position of his catholic subjects a matter of bargain with a foreign power. He made a fatal mistake when he abandoned the high place which he inherited from Elizabeth as chief of the protestant world. At a time when religious hatreds were so powerful, conflicts between religions were inevitable

¹Bayly, *op. cit.*, has given the first full and trustworthy account of the prince's visit to Madrid. It is curious and interesting and throws a strong light on the character of Charles.

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and the mere danger of war was not a policy. A good man would not have sought a quarrel with any catholic power, but a brave man would not have shrunk from taking his part in the defense of protestantism. Confronted by his office led James into thinking that nations have sought to do with high mysteries of state which should be left to monarchs alone. Confronted by his own wisdom suggested that his brother monarchs would bow to his sword, however it might modify their interest or their conscience. Caring at bottom far more about the inheritance of his grandchildren than about the religion or freedom of half Europe, he hoped to gain his ends by negotiation with the aspiring house of Austria, and the inflexible court of Rome. The world was to be stilled by the marriage of a boy and a girl, and emperor and pope were to confine themselves within the bounds traced by the King of England. But the march of the counter-reformation could not be stayed by exchanging civilities with its chiefs. All that James achieved by his elaborate diplomacy was to reveal the weight of his own kingdom, to fulfil the ruin of his son-in-law, to prolong the war in Germany, and to bring the protestant cause to the very verge of destruction.

A new policy, it might seem the reverse of the old one, was to be tried for the recovery of the Palatinate, but under auspices which scarcely allowed a reasonable hope of success. Of the two thoughtless young men who were scheming a grand attack on the King of Spain and the emperor, Buckingham was impelled by pique solely, Charles by a mixture of pique with concern for his unfortunate sister, and both were equally hasty, equally ignorant of the state of Europe, equally incapable of grasping any complex question or framing any coherent system. They set eagerly to work. As a war with Spain would be popular, they persuaded the king to call a new parliament without delay. Bristol was ordered to advise James that he might give an account of his conduct, that is, pay the penalty of having displeased Buckingham at Madrid. The Dutch were invited to appoint commissioners for negotiating an alliance with England. Ambassadors were to visit the kings of Denmark and Sweden, the princes of North Germany, the Duke of Savoy and the Republic of Venice, and enlist all those powers in the war against the house of Hapsburg. The Queen-Mother of France having

hoped that she was ready to bestow her youngest daughter, CHAP.
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Henrietta Maria, upon the Prince of Wales, it was resolved to send Henry Rich, Viscount Kensington, ambassador to Paris, in order to clear the way for a marriage treaty. So late had Charles profited by his late experience that, while preparing for a protestant war and refusing the protestant passions of England, he was as forward as ever to wed a catholic bride.

The last parliament of James I. met on February 19, 1624. In temper the new house of commons strongly resembled those which had gone before. All the old leaders of the popular party had found seats, and they were joined by two younger colleagues of extraordinary gifts, John Selden, second only to Bacon in breadth and auteness of mind, and second to none in deep and varied learning; and Sir John Eliot, a man of generous and heroic temper and unrivalled eloquence, although not always far-seeing or sure in judgment. Most of the members were staunch protestants, willing to enact new penalties against recusants and to make war on Spain, but little acquainted with foreign affairs and very loath to engage in continental wars. So completely had James been unswayed by the failure of his dearest hopes, that he condescended to ask the advice of the houses upon these questions of foreign policy which heretofore he had reserved to himself. Buckingham told the houses the story of the prince's late adventure, insinuating that the Spaniards had never meant to keep their promise of help towards regaining the Palatinate, and urging that the treaty with Spain should be dropped as fruitless. So far his hearers were ready to believe and applaud.

The lords refused to ask the king to break off all further negotiation. In the commons the need for assuring freedom of speech was pressed by Eliot, but the matter was shelved by reference to a committee. The house resorted to foreign affairs and petitioned the king to act in defence of protestantism. They were disposed to make a grant, but they wished it to be spent in repairing the fortresses, strengthening the garrison of Ireland, fitting out a fleet, and succouring the Dutch republic, measures all of them preliminary to a maritime war with Spain. Accordingly, when James received the deputations from the houses, it appeared how far were his thoughts from the thoughts of the commons. He wanted above all things to recover the Pal-

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 treaty, and therefore to use his best efforts in Central Europe, while he still hoped to avoid a Spanish war. Then he was in debt and warlike preparations were costly. Money he must have, but the money for the war should be paid over to treasurers appointed by the parliament, which would thus be assured that the grant had been expended according to its intention. A few days afterwards he estimated his wants at six subsidies and twelve fifteens, about £750,000 in all.

The commons returned to their house in a very bad temper. "The Palatinate," said Sir Francis Seymour, "was the place intended by his majesty. This we never thought of, nor is it fit for the consideration of the house in regard of the infinite charge." Eliot summed up the sense of the commons in a few significant words. "Are we poor? Spain is rich. There are our Indies. Break with them; we shall break our necessities together!"¹ A breach between the commons and the crown was avowed by the palace and Buckingham, who desired a war in the Palatinate, it is true, but desired a war with Spain even more. Buckingham coerced the king and Charles roared the houses into roaring harmony. The commons voted three subsidies and three fifteens, less than half of the original demand, while the king declared himself willing to break off all further treaty with Spain. But the commons had put on record that their grant was made for the purposes above-named, and the king, while approving of those purposes, shunned any mention of a Spanish war and avowed that his one aim was to recover the Palatinate.

The Spanish envoys tried as a last desperate resource to shake the credit of Buckingham with his master. They dealt on the favourite's insolent and dominating ways, and assured James that Buckingham was resolved to make him a tool or even to dethrone him if he continued obstinate. These accusations only hastened the fall of the minister most desirous to preserve peace with Spain. The lord treasurer, Middlesex, had long been at variance with Buckingham, who thought that he had prompted the ambassadors. Buckingham resolved to ruin Middlesex, and early drew Charles into encouraging an impeachment for corruption in his office. The house of

¹ *Commons' Journals*, i., 291.

common was willing enough, and James wisely warned his son ^{common} and his favourites that they would live to have more than they wanted of impeachments. Middleton had apparently done some inexcusable things. Coke and Sandys carried up the articles of impeachment, and on May 13 the treasurer was found guilty by the lords and sentenced to be for ever incapable of office under the crown, to be excluded from parliament and the court, to pay a fine of £50,000, and to be imprisoned during the king's pleasure. As usual, the harshest part of the sentence was remitted, but Middleton was banished from public life. The proceeding against him was the first impeachment in the strict sense of that term brought against a minister of the crown since the impeachment of the Duke of Suffolk in 1450.

The alliance of the prince and Buckingham with the popular party rendered possible the act against monopolies which is the one memorable statute of the reign of James I. By this act the law was placed almost on its present footing. Monopolies generally were made void, and all questions as to what constituted a monopoly were to be judged in the courts of common law. Persons trying to stay or delay any action on a monopoly by means of any authority other than the court wherein it was pending were to suffer the penalty of a *praemunire*. Existing patents of twenty-one years or less were to be void, if granted to the introduction of new manufactures. Similar patents for fourteen years or less might be granted in future. A writ was also issued for privileges conferred by any former statute. Although some venal monopolies were established in the reign of Charles I, the influence of this statute¹ upon the later course of English commerce and industry has been incalculable. But the temper of James, always irritable, had now become acrid. The sense of failure and of impotence, the popularisation of the situation abroad, the impeachment of Middleton, the importunities of the commons for Irish measures against the recusants and for a war with Spain, had wrought him to a querulous desperation, and he prorogued the parliament on November 2 with as little grace as on any former occasion.

In May, Kensington was joined at Paris by the Earl of Carlisle, and the treaty for the hand of the Princess Henrietta

¹ 21 and 22 Jas. I., ch. 8.

CHAP. V. Maria was pressed forward. The difficulty of religion immediately arose. James had promised the commonwealth and Charles had sworn in the birth that no treaty of the kind should affect the condition of catholic subjects. Accordingly the English representatives had been instructed not to enter into any bargain regarding the treatment of catholics in England. The French embassy presented articles for a marriage treaty on the model of those formerly agreed on between England and Spain. The English ambassadors refused even to discuss them, and were supported for a moment by the resolution of their master. That resolution was soon undermined by the arts of the new ambassador, the Marquis of Effiat. James, complying with a suggestion made by the French minister La Vieuville, undertook to express in a private letter to Louis his design intentions towards his catholic subjects, but Louis was so little satisfied with this informal engagement that he declined La Vieuville for having proposed it.

Richelieu succeeded to power. Although not a bigot, he had the keenest sense of what was due to the majesty of France, to his own character as a cardinal, and to his policy of handling the house of Austria without seeming to forget the interests of the Church of Rome. He required that an article in favour of the English catholics should be inserted in the treaty. James and Charles refused to admit such an article. But after some wrangling the weak mind bent before the strong, and the King of England accepted the very formula dictated by Cardinal Richelieu, though still insisting that it must be embodied in a letter and form no part of the treaty. The privy council was induced to approve what he had done, and Kinsington was rewarded with the title of Earl of Holland. As the king could not meet parliament without owning his weakness, he prorogued it almost until February, 1625. Even then the French government was not content. It still rejected the form of a letter and demanded that the promise of toleration to catholics should be embodied in a formal engagement, although this engagement might remain private and not appear in the marriage treaty. Again James struggled, hesitated, yielded. He entered into a private engagement with Louis that the English catholics should enjoy all the liberty which had been secured to them by the marriage articles with Spain, and this

promise was subscribed by the Prince of Wales. The marriage treaty, signed by the ambassadors on November 10, was ratified by the king on December 12.¹ A few days later, orders were issued to suspend all proceedings against Roman Catholics, to set those imprisoned at liberty and to repay all fines. It remained to be seen what help in men or money for the recovery of the Palatinate had been purchased by entering into an agreement which could neither be kept with safety nor broken with honour.

The French king entered a feud with the house of Austria and was desirous of supporting the Spanish king, whose dominions seemed to encompass and threaten his own, but he was not eager to behold German heretics. Yet something must be done to annoy the King of England. Count Mansfeld, whose trade had been spoilt in Germany by the success of the imperial armies, was anxious to find a new employer and a new field of profit and honour. Louis expressed himself willing to share the expense of providing Mansfeld with an army which might undertake a German campaign. When the old soldier of fortune visited England in April, the simple public welcomed him as a protestant hero, and the king undertook to find 20,000 foot and 3,000 horse and to pay for their support £20,000 a month, if the King of France would do likewise. A council of war, consisting of the men most noted for skill and experience, was established to exercise a general direction over military affairs. In June the king concluded a treaty with the Dutch republic by which he was to maintain for two years a body of 6,000 troops for the defence of Dutch territory. As Holland was not threatened by any constant war the Spaniards, such an alliance to modern principles implied war with Spain; but it was then deemed possible for a state to aid one belligerent, yet remain at peace with the other; and James strove to the last to avoid a direct clash with Philip.

He had really no funds wherewith to defray Mansfeld's expedition, since the smallest supply granted by the commons had been expressly appropriated to other purposes for which it was barely sufficient, and had been paid over to treasurers of

¹Guizot, *op. cit.*, has been the first to trace in detail the negotiations for the French marriage.

GRASP. their choice. These treasures would advance nothing save on a written order from the council of war, and the council refused to make such an order except for one of the purposes mentioned in the statute. Nor had James yet reached a definite understanding with any of the German princes, nor had any coherent plan of campaign in Germany been settled. All these objections were over-ruled by the eagerness of the king, the princes, and the duke to strike a blow for the Palatinate. The council of war was induced to waive its scruples, and on its orders the parliamentary treasury issued £13,000 for levying the troops promised to Mansfield and £40,000 to pay them for the next two months. Where pay was to be found after that time had elapsed was more than uncertain, but it was hoped that a sudden success would kindly send it home and attract allies abroad.

The one visible enterprise of the reign was not destined to shed any glory on its close. An England possessed no regular army, and men were likely to volunteer for such a service, the men whom Mansfield required were found by impressment. Since all who had friends or money could evade impressment, its victims were usually the most unfortunate or the most worthless of the community; in the words of Shakespeare, "such as indeed were never soldiers, but discarded, ungentle serving men, younger sons to younger brothers, ruffled tapsters and careless trade-fellows; the cankers of a civil world and long peace". When the poor wretches began their wintry march from all parts of the realm towards Dover, their despairing faces showed the pangs of the misdeeds. When they marched there towards Christmas, the money issued from the treasury had been spent and no more was forthcoming. No ships were ready and no food had been provided. To save their lives many deserted, and many wandered about Kent robbing and breaking into houses.

By this time it had become apparent that the English and French governments were not of one mind regarding the expedition. In England it was assumed that Mansfield would be allowed to disembark his soldiers in a French port, would then take over the French contingent, and would march with his whole force by the direct road across France, to the Rhineland. But while Mansfield's countenance from James especially forbade him to molest Spanish territory, Louis, caring nothing

for the Palatinate, had from the first resolved to make the expedition a means of embroiling England with Spain or else to withdraw from it altogether. In the previous July the Spaniards under Spinola had laid siege to Breda, the main bulwark of the Dutch frontier, and the Dutch were not strong enough to attempt its relief. Louis therefore proposed that Mansfeld should join forces with the Prince of Orange to raise the siege. James still refused to make direct war on Spain and assured Philip that he would not allow Mansfeld to attack the Netherlands. Thereupon Louis refused to let Mansfeld pass through French territory and proposed that he should take his troops to Holland, where the Prince of Orange, who still hoped to see them for the relief of Breda, was urging the States-General to receive them hospitably. At the end of January, 1632, the English government unwillingly gave way, and Mansfeld sailed with his ragged remnants to Flushing. James had no money or supplies to send, but he still refused to let the Dutch employ the men against Spinola. Disembarked on a foreign land in the depth of winter, without lodging, without food and almost without clothes, the starving soldiers fell sick and died by hundreds. By the end of March, out of 12,000 starved one-fourth were fit for service. Louis had reduced his contingent to a handful of cavalry, and these also were thinned by sickness and desertion. Far from re-conquering the Palatinate, what remained of Mansfeld's army could not cross the frontier, but lay helpless under cover of the Dutch fortresses. The alliance of England and France had proved barren of any good result.

It was, however, fruitful of embarrassment. The natural distrust and fear with which the Huguenots regarded their catholic sovereigns and fellow-countrymen led some of them at this time into an open revolt, and the great maritime city of Rochelle became the centre of resistance. Louis, who did not possess a navy fit to cope with his orders, asked his allies, the Dutch and the English, to lend him ships. The Dutch government could grant the request without hesitation, for all Dutchmen regarded the good-will of France as vital to their safety. James also promised help, but no minister could be more contrary to English public opinion or more likely to increase the difficulty of managing parliament, which was again prorogued. Meanwhile the palace's payments were attended for

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lack of the papal dispensation. Although granted in November, it did not reach Paris until February. The pope had exacted conditions more onerous than those of the marriage treaty, including the requirement of a public written renunciation of religious freedom to the English Catholics. Since James would not consent to such an act of folly, and Elizabeth was not disposed to drive him to extremity. Lewis undertook that, if the pope did not withdraw his demands within thirty days, the marriage should be celebrated without a dispensation. Before the interval had elapsed James was no more.

At the beginning of the year James learnt the result of his embassy to the northern kingdom. Gustavus Adolphus, King of Sweden, still young in years but mature as a soldier and a statesman, was ready to champion the protestant cause if furnished with means sufficient to afford reasonable hope of success. A great force would be necessary, and he expected England to bear one-third of the charge. Christian IV. of Denmark, brave and active, but far inferior to Gustavus in judgment, was ready to take the field with a much smaller army and only asked England to maintain 4,000 foot and 1,000 horse at a charge of perhaps £10,000 a year. What Gustavus asked was not too much for victory, and what Christian asked was more than England could afford. In such cases it is wise to spend largely or to spend nothing. James declined the proposals of the Swede and listened hesitantly to those of the Dane, but the making of an alliance was reserved for his successor. He suffered much from gout, and the cares and disappointments of the last two years had preyed upon his spirits. In March, 1603, when staying at Theobalds, which he had acquired from Lord Salisbury in exchange for Hatfield, he was seized with an ague which he could not shake off. Although he would not obey his physicians, he took remedies from Buckingham and Buckingham's mother which had no effect, and were afterwards made proofs of an extent to administer poison. He called once or twice, but on the 24th became so ill that the lord keeper, Bishop Williams, asked for the prince's leave to tell him that he was dying. On the same day the bishop administered the sacrament and on the 27th King James died. His queen, Anne of Denmark, had died six years before.

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He was one of those men whose fallings are rather enhanced than cured by time. His reign was void of great events and far from glorious. But we should be ascribing too much consequence to political intrigues and ecclesiastical squabbles if we thought of those years as barren or miserable. The peace which James maintained with some loss of honour and the light taxation caused by the want of harmony between crown and parliament were favourable to industry, commerce, and the accumulation of riches. Abroad the foundations of an immense colonial empire were laid almost without effort and without notice. The English gained their first foothold in the East Indies. The plenty and comfort which had marked the later years of Elizabeth were equally apparent under James, and the middle class continued to grow in numbers and self-confidence. Above all, the reign of James divides with the reign of Elizabeth the honour of the most splendid period of English literature. To that reign belong the finer plays of Shakespeare and nearly all the plays of Beaumont and Fletcher, as well as the noblest monuments of English prose, the authorized version of the Scriptures. The same reign witnessed the birth of a new intellectual movement in the publication of the *Novum Organum*. The king seems to have had little feeling of these marches. He loved books and learned men, but his thoughts were turned to Church antiquities and theological debates.

CHAPTER VI.

THE FIRST AND SECOND PARLIAMENTS OF CHARLES I.

1625. CHARLES was in his twenty-fifth year when he became King
of England. The public are prone to think hardly of a new
sovereign and Charles appeared worthy of his high office
in contrast with his father, he was an active and vigorous
man, of noble and graceful bearing. The many portraits by
Van Dyke have made his face as familiar as though he had
lived among us and have invested features not in themselves
beautiful with all the charm that a great master can bestow.
Charles was personally brave and he had many of the virtues
that dignify private life. By his strict fidelity to his queen he
set an example as rare as it was powerfully serving the sove-
reignty of that time. He was sincerely religious without the
theological polemics of his father. He was industrious in the
routine of kingship. He had a better taste in the fine arts and
in elegant literature than any king of England before or since.
He spoke and wrote correctly and with dignity, although with-
out the occasional touches of humour or of insight which re-
served the grandeur of James.

Such a king might in ordinary times have enjoyed his happi-
ness and with honour. But an extraordinary time disclosed in
Charles those faults of intellect and character which descended
his forefathers in the house of Stuart. With all his culture
Charles lacked imagination and therefore lacked insight. He
wanted the statesmanlike faculty of divining how a policy will
impose great strains of plain men. He could not bend his
mind to accept unpleasant facts or acknowledge to himself
that men might honestly think otherwise than he did. He
adopted in good faith the doctrine of absolute sovereignty
which his father had so carefully taught; he acted on that

dislike to the circumstances allowed, and when it failed him in practice he had no other political compass. Nor had he the gift of choosing such advisers as might best supply his own defects. He followed the guidance of those whom he loved and whom he certainly did not choose for their political wisdom. First Buckingham, then Laud, and lastly Henrietta Maria bore greater sway with him than any other counsellor. Much as they differed in other respects, they were alike in being the most dangerous persons who could then have guided the ear of a king of England. In the course of the civil war he allowed more weight to the faithful solitudes of an intriguer like Digby than to the measuring of a statesman like Hyde. Charles could never have placed in any superior mind that implicit confidence which Louis XIII placed in Richelieu. His worst moral fault, it has been often and truly said, was insincerity. In a trust he would promise almost anything and trust to chance to save him from keeping his word. As he acted at Madrid when a youth, so he acted at Hampton Court or Whitehall when a grey and discredited king, and he wrought his own violent end by consulting one party after another that with Charles they could make no stable agreement. Viewing all resistance to his will as either wicked or absurd, he felt as little scruple in choosing an opponent as common men would feel in using falsehood to choose a liar or a madman.

The new king received from his father an inheritance of difficulties. In the Church the division between parties widened day by day. Half-hearted persecution had wrought its usual effect in making the parties narrower and more distinct. Many puritans now regarded the Church as thoroughly corrupt, and episcopacy as contrary to the Word of God. In opposition to the puritans there had arisen a party which they termed *Arminian* and which in England may be termed *Anglo-catholics*.

The austere and dogmatic whisper of Calvin had attracted many of the most sincere minds in the first age of the reformation, and as the Catholics bore the brunt of the struggle with Rome in Western Europe, their influence was wide and deep. In France, in Scotland, and in Holland, Calvinism was almost co-extensive with protestantism. It left an impression even upon the Church of England which had been relieved by royal authority in the most conservative spirit. But a system

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so narrow and rigid could not always satisfy minds which the reformation had excited to independent thought. In Holland a standard of revolt was raised by James Heremanssoot, better known as Arminius, a learned and amiable man who denied the Calvinist doctrine regarding grace and predestination. He found so many adherents among the wealthy and cultivated class that a difference of opinion so directly threatened to produce a political schism. Maurice, Prince of Orange, strong in the attachment of the army and the common people, crushed the Arminians as a political faction. The Synod of Dort, which met in 1619, reasserted the Calvinist doctrine, condemned the Arminians as a sect, and gave the signal for their persecution. King James of England, a Calvinist by early training, although not by instinctive sympathy, sent divines to represent him at Dort and approved the conclusions of the synod. Yet at this very time and with his encouragement a reaction against Calvinism was spreading in his own kingdom.

The first reformers appealed from the authority of Rome to the Scriptures and to the teaching and practice of the primitive Church. But while all proclaimed Scripture to be the final test of truth, they differed in the degree of importance which they ascribed to Christian antiquity. The Calvinists tended to lay an exclusive stress upon Scripture and to discharge other graces. The leaders of the reaction, while acknowledging, like other protestants, that Scripture was the one infallible guide in matters of faith and that even a general council might err, did not allow that the individual was sufficient to interpret it, but held that the traditional teaching and usage of the Church ought to be accepted as binding when not in contradiction with Scripture. Hence their tendency was conservative. While rejecting the doctrine of transubstantiation, they admitted the doctrine of the Real Presence and regarded the sacrament as far more than a simple commemorative rite. The clergy in their eyes had a higher and more mysterious character than belongs to men merely set apart to teach religious truth and give an example of good living. Government by bishops was not merely a lawful form of Church government, but the only form which had Divine sanction. Without bishops there could be no true Church, and without apostolic succession no true bishops.

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They admired that magnificence in sacred buildings which has always distinguished the Church of Rome and was therefore abhorred by the Calvinists. Condemning the invocation of saints and the adoration of images, they yet declared statues and pictures and stained glass windows useful as bringing the events of sacred history before the worshipper in the very most "fitly to stir his feelings and improve his memory." In the same spirit they valued sacred music and favoured the retention of ceremonies. Fasting, which, with the Calvinists assumed so exclusive an importance, they regarded as only one instance of conveying Divine truth or exciting religious emotion. While the Calvinist identified the Christian Sunday with the Jewish Sabbath and enforced its observance with Pharisaic rigour, the Anglo-catholic accepted the older and more genial view that, after the discharge of their religious duties, men might devote the rest of the day to innocent enjoyment. On the other hand, they were careful to observe the festivals of the Church which the extreme Calvinists, at least, ignored as signs of popery. Most of the differences between the two modes of religious thought sprang from the ultimate contrast between those who laid emphasis on the relation of the individual soul to God and those who laid emphasis on the conception of a Church through which God communicates His influence to the individual soul.

Although the Anglo-catholic tendency might in one shape or another be traced throughout the English reformation, it had never been so manifest or pronounced as in the teaching of the new school, represented by men like Mella, Land, Coles, and Hastings. Towards the end of the reign of James I. it began to excite alarm among those who inclined to puritan ideas, that is, among the majority of religious people. The Anglo-catholics were led by all their habits of thought to judge less severely than most Englishmen the Roman Church, which, although they held it corrupt, appeared to them part of the Church of Christ. They were out of sympathy with the reformed communities in other lands, which, tried by their tests, were wanting in some of the essential marks of a true Church. Hence the Anglo-catholics were regarded by many as traitors to the protestant cause, and more dangerous than open enemies. In spite of all their learned arguments against the Church of Rome,

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a great part of the public deemed them Romanists in disguise, and feared and hated them accordingly.

The division felt for the Anglo-catholics was deepened by their political opinions. They were a minority who desired to reform the Church on their own principles, and saw no way so prompt as to gain the help of the crown. They looked to the sovereign to compel alike the Roman catholic and the puritan into their middle course. To gain his favour men went even beyond earlier divisions in exalting the prerogative, which they loved to represent as absolute and incapable of limitation. They addressed the king in language which, even when we allow for the manners of that age, is pitifully servile. Thus they attracted the ill-will of many who, although they might not have cared to take part in theological disputes, regarded the Anglo-catholics as enemies to the liberties of England. They gained, however, the favour of King James, and in King Charles they had a continued adherent. No English sovereign since the beginning of the reformation had so highly overestimated the priestly, above all the episcopal office. In the contest of the Anglo-catholics with the puritans, Charles was neither spectator nor umpire, but a devoted adherent of one party. Hence in his reign the religious controversy was inevitably blended with the political, and lost it an intensity which resulted in civil war.

Politics both at home and abroad were a far less disagreeable aspect than when James had ascended the throne. The foreign policy adopted by Charles while yet Prince of Wales had cost much, and would in the future cost far more. The agreement to maintain 6000 English troops in the service of the States-General involved a yearly expense of £300,000. Mansfield's expedition, an unhelpfully begun, absorbed £200,000 a month, or £240,000 a year. In May, Charles bound himself to pay the King of Denmark £50,000 a month, or £600,000 a year. While the king was overwhelmed with projects and expenses, his allies were unable or unwilling to give him much assistance. The Dutch promised to send twenty ships with the English fleet when it should put to sea, and allowed Charles to recall 1200 English soldiers serving in their service. But the French king could not be persuaded, even by Buckingham as ambassador, to join in a grand attack on the Spanish Netherlands in the hope of securing Antwerp if victorious. With the

Huguenots in arms, Louis was more than ever under catholic influence. He offered to subsidize the King of Denmark, to continue bearing his part of Maastricht's expenses, and to send Maastricht a few Hessian horse; but he would do no more.

Charles was therefore constrained to have recourse to parliament for unprecedented sums, and he felt entitled to do so, as one house of commons had declared its resolution to spend life and fortune for the recovery of the Palatinate and another had applauded the breach with Spain. But the nation had no heart for a continental war, and, although it desired a war with Spain, was not willing to make heavy sacrifices. Parliament would be more concerned to define the royal prerogative than to vanquish the Spaniards, and in particular would strive to gain complete control over taxation. Religious passions were also likely to complicate politics. Nothing but an outbreak of protestant zeal would serve the nation to the effort which the king expected it to make. Yet Charles had just bound himself by treaty with France to allow the catholics a full toleration, and had promised to give Louis aid against the Huguenot rebels, which, telling in itself, was enough to drive all England mad. In these circumstances the domestic quarrel between parties and divisions must break out with redoubled bitterness and must further embarrass the king who took one side or another. But Charles was too young and inexperienced to know his own danger.

On May 1, 1625, Charles married Henrietta Maria by proxy, and in the following month she came to England. Forty-five years old and a stranger to everything English, she had at first no influence with her husband. After Buckingham's death she began to gain power, and, as she mastered and her husband's affections increased, she became one of his most trusted counsellors. Endowed with personal charms which as a queen might be termed beauty, and with all the grace and gaiety of her native land, she was well fitted to bear sway in the magnificent court of Charles. But it was hard for a French princess to understand the English character or English institutions. She was not familiar with any form of government save absolute monarchy. Protestantism, and still more puritanism, was to her only a form of rebellion against God which often led to rebellion against the king. She had courage, de-

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ness, and a quick, although shallow intellect. She judged of public men as they pleased her taste, and added her personal caprice to the king's want of discernment in the choice of ministers. She became a centre of Catholic intrigue, gave her own bias towards her own Church, and proved in more ways than one the evil genius of the Stuart line.

With the death of James the parliament had expired. Charles lost no time in calling another, which met on June 18. In opening and temper the new house of commons closely resembled its predecessors. All the most distinguished leaders of the popular party, Coke, Philips, Sandys, Digges, Eliot, Pym, Salton, Wentworth, found seats there, while the crown had not a single spokesman who could compare with the least of them. To guide and to temper the house Charles had to rely on Sir Richard Weston, the chancellor of the exchequer, who was more familiar with diplomacy than with parliamentary debate; on the soldier-general, Sir Robert Harb, a respectable lawyer, and on Sir Humphrey May, a respectable official. The king's opening speech was little more than a general request for supply, and the hard lawyer did not add much to what his master had said. Even when the business had got to business, no minister or councillor explained precisely what the king meant to do or specified how much the king would need, and for what objects. All the business of the last parliament appeared to have been thrown away.

Left then to their own guidance, the commons resolved to go into committee on religion and agreed on a petition to the king for the strict execution of the laws against recusants and the measures to advance the preaching of the protestant faith. When they had sent up this petition to the lords they went into committee of supply and resolved to grant two subsidies or *£1,400,000*. So small a grant implied that the commons either were not acquainted with the king's large designs or were not prepared to second them. As the plague was raging in London, the king declared himself ready to send the money as soon as possible, and most of the members returned home. Those who remained presently took into consideration the writings of Richard Montagu, Rector of St Dunstons Rivers, a member of that new school in the Church which the puritans esteemed little better than Rome. His statement of the Anglican

position entitled *A New Gag for an Old Goose* had called forth the displeasure of the last house of commons which brought his case before Archbishop Abbot. Abbot advised Montagu to correct his book, but he got the approval of James and defended his opinions in a new treatise, the *Apology Casuaria*, which he dedicated to Charles. Montagu was committed to the custody of the signet-at-arms, and almost immediately after was named his chaplain by the king.

Three weeks had not elapsed since the meeting of parliament, and it was already at issue with the crown. Moreover, the commons, in their resolve to close the dispute about impositions once for all, departed from precedent in their bill for tonnage and poundage, granting these taxes to the king, not for his life as had been usual, but for the term of one year. Neither Charles nor Buckingham could be content with such meagre supply, and Sir John Coke, one of the commissioners for the navy, was instructed, although late, to make known how much the king wanted. He told the house what sums would be required for the fleet, for Newcastle's army, and for the Danish king. He asked, not for an immediate grant, but for some assurance that the house would give in the proper time. There was no verbal response. The king adjourned the house to Oxford on July 11, proposing that he would answer their petition there and in the meantime would put in execution the laws against recusants.

When the parliament re-assembled at Oxford on August 2, the commons at once returned to the subject of religion, complained that a pardon had lately been granted to a Jesuit in defiance of the king's promise that the penal laws should be enforced, and took up again the case of Richard Montagu. Death warned the house against electing a convert of the king. The only result was to complicate a theological with a constitutional dispute. Charles reluctantly yielded to a personal appeal to recall the house to the consideration of his wants. Some were alarmed at the king's adventurous foreign policy and others murmured that nothing had been achieved with the money voted in the last parliament. The suspicion and bitterness of the commons began to gather round the man who was known to have more power than all the other ministers of the crown put together. Buckingham, the popular idol of 1624, in 1625 was fast becoming an object of odium. The

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Although crippled for lack of parliamentary supply, Charles was still hopeful of what might be accomplished by his usual armament against Spain. A rich booty might fill his empty coffers, and a brilliant success would in any case shake the old warlike spirit of the nation. The design was to strike a great blow somewhere on the Spanish seaboard, recalling the capture of Cadix nearly thirty years before. Buckingham, the lord-admiral, would have been the natural chief, but Charles intended that he should go as ambassador to the Hague for the negotiations with Christian of Denmark and the North German powers. The command of the fleet as well as the troops was therefore given to Sir Edward Cecil, newly created Viscount Wimbledon, who had proved his courage in the Netherlands wars, but was ignorant of all that concerned the sea and ships. By a false economy which might blight Elizabeth's precedent the royal navy had been spared as much as possible, the fleet consisting of but two king's ships together with seventy-three merchantmen pressed into the service. It was to be reinforced with twenty Dutch men-of-war, and was to carry 10,000 soldiers.¹

¹ Compare with *Clarendon*, *op. cit.*, *Decline, Life and Times of Edward Cecil*, vol. v, ch. ix, and vi; also *Appendix, History of the Administration of the Royal Navy from 1594 to 1629*, Chapter 2.

On paper such an arrangement was more than responsible; but men, ships, and shores were all defective, skill, discipline and devotion were wanting, and the history of the expedition was an unbroken tale of shame and loss.

It was not until October 3 that the fleet cleared Plymouth Sound. Coill had sailed without any definite orders and under the injunction to act only with the consent of a council of war. At a council called off Cape St. Vincent, it was finally resolved to make for St. Mary Port near Cadiz, where the troops could be disembarked to march against San Lucas, the port of Seville. But the attack was, almost by accident, turned against Cadiz. That city lies the broad extremity of a long, slender peninsula projecting from the Isle of Leon, which is secured from the mainland by a narrow and winding channel. The channel was spanned by the single bridge of Razon. The Isle of Leon with its long promontory forms the outer side of the Bay of Cadiz. Some two miles above Cadiz the bay contracts to a narrow channel, then defended by Fort Punta, and presently widens again to form the inner harbour, completely sheltered but difficult of access to ships of deep draught. On October 22 the Earl of Essex, the vice-admiral, led the van into the bay with the intention of anchoring off St. Mary Port. But the sight of a Spanish fleet huddled under the guns of Cadiz and perhaps the remembrance of his father's glories were too much for the earl's power of deliberation. Turning away from St. Mary Port, he fell upon the Spanish vessels. Coill saw that his second was rushing into danger and, probably with a true instinct, pushed forward to his aid. The rest of the king's ships followed, but the merchants thought only of keeping out of fire. Fortunately the Spanish captains were panic-stricken at Essex's approach and fled into the inner harbour, while the English fleet came to anchor before Cadiz.

The attack on San Lucas was then abandoned, and some officers urged an immediate assault on Cadiz, which probably would have been successful, for the town was almost without defences or munitions of war. But as it looked strong, Coill preferred to attack Fort Punta and get possession of the inner harbour with the ships which it contained. Before the fort could be taken reinforcements had been passed into Cadiz reaching the garrison to 4000 men. Other troops were on the march

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Cecil and his officers decided next morning to return to Portugal. He then learnt that the attack on the ships had failed. The Spanishs had swept them up a narrow creek at the far end of the inner harbour, and had sunk four merchantmen at the entrance, so as to leave a passage for only one assistant at a time under an overwhelming fire. A survey of the catworks of Cadiz satisfied Cecil that it could not be taken without a long siege to which his means were utterly unequal. It was resolved, therefore, to re-embark the troops and go in quest of the *Fleta* fleet. On October 29 the English set sail for Cape St. Vincent. Two days later the *Fleta* fleet unknown to Cecil entered the Bay of Cadiz. Aware of the approaching war, its commanders had steered far to seaward and had hugged the coast of Africa. Cecil had reached upon a long watch, but many of his ships were unseaworthy. Water was short, and had beer and provisions been plentiful. On November 27 a council of war decided that they must return to England, or otherwise the men would soon be too fit to work the ships. The fleet was scattered by storms, and each captain made his way home as best he could. By the time that Cecil's flagship, the *Swan Royal*, reached Kinsale 120 corpses had been thrown overboard and 150 of the survivors were sick. Such was the plight of other vessels which made Plymouth that in one day seven of the men fell down and died in the streets.

This great disaster was not quite without precedent. In the glorious days of Elizabeth ships had often been marred of storms, the sailors had been poisonous, and ten men had perished by disease for one who perished by the enemy's fire. Then as

under Charles there was no effective military option, and the attack on Lisbon in 1589 had failed as utterly as the attack on Cadix in 1595. None the less what had happened was great indeed for the king. After long preparation his fleet had done nothing more than the old masters of the English at sea and abate Spanish fear of English attack. The disclosure of the wretched state of the navy would convince the ill-will already felt towards the lord-admiral, and Charles, determined as he was to uphold his legend to the uttermost, would share in Buckingham's popularity. He would soon be forced to call another parliament, and he would find it less than ever disposed to give him the means of waging war.

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At this very time the French alliance was severely tested. The discontinued endeavour to tighten the bonds of friendship between a catholic and a protestant nation had only had one step. In order to gain a French prisoner Charles had promised what he well knew he could not perform; to grant his catholic subjects a full toleration. In order to gain the support of the houses of commons for his foreign policy, he had promised the strict execution of the penal laws. The French ambassadors protested, and Charles ordered pardons to be asked for the priests then in prison. Henrietta Maria was not too proud to be wifed, and the way in which she crossed the king's wishes made him suspect that her French attendants were abetting her disobedience, and resolve to rid himself of their meddling. The promise to lend Louis ships for service against the Huguenots had led to much believing. Nothing would induce English men-of-war to serve in such a cause, and the government knowing how unpopular the loan would be in England, did not venture to force them, nay encouraged their reluctance unduly, while affecting the utmost zeal to fulfil its engagement. After tedious ignominious shuffling¹ Charles was obliged to hear that Louis had come to terms with his Protestant subjects. He then lent the vessels to Louis for some less odious employment. But hardly had they been delivered when the Huguenots were again at variance with their king.

When Buckingham reached the Hague the only ambassadors whom he found there were those of Denmark, Sweden

¹ See the curious details in *Goodman*, *ib.* 322.

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about the English subsidy which was already in arrears. By the treaty of the Hague, signed November 29, Buckingham bound his master ahead to pay King Christian £50,000 a month. But when he prepared to visit Paris, not for the restoration of the ships, and mediate between King Louis and the Huguenots, he was told that he must not enter France until the French demands had been satisfied. Louis desired no visit from a man who had once ventured to lift his eyes to the Queen of France, and was not disposed to welcome the mediation of Charles, in favour of the French protestants at the very time when Charles had broken his promise to protect the English Catholics. On Buckingham's return, therefore, it was resolved in council to send a fleet to the relief of Rochelle and to reclaim the English ships, if necessary, by force, in other words, to challenge a war with France. A number of French vessels had been seized on the ground that they were carrying goods to the Spanish Netherlands, and their cargoes had been sequestered pending the judgment of the court of admiralty. As the exchequer was empty, the council gave orders to sell part of these goods. The order, first extracted, then coerced, led to French reprisals. Still anxious to restore friendship between England and France, Richelieu gave assurances that he would not mean to persecute the Huguenots, although he could suffer no mediation between himself and rebels, and could not return the ships lost until the civil war was over. Charles praised his mediation, and even when the Huguenots again made peace with their sovereign, took upon himself to define the terms unsatisfactory. Blinded by self-will, he could not understand that Richelieu was of all men the most able and willing to help in the recovery of the Palatinate and the defence of the German protestants.

While the king thus raised up new enemies abroad, he was in the direst poverty. He had tried in vain to relieve his wants by a forced loan. The payment of Henrietta Maria's portion had given a brief respite, but he found before the end of the year that he must summon a new parliament. Having dismissed the bad keeper, Williams, for opposition to Buckingham, he gave the seals to Sir Thomas Coventry, a far less able politician but a staunch protestant, and he ordered the enforcement of the laws against the Catholics. Coke, Phillips, Wentworth, and

other leaders of opposition in the last parliament were made shortly, so as to disqualify them for re-election. The new parliament met on February 6, 1640. As before, the king made no clear statement of his affairs or of his intentions. The commons, although ignorant of much, knew that there had been grave mismanagement, resulting in loss and discredit. When Elliot with impassioned rhetoric demanded an inquiry into the causes of the recent disaster, he was met of general assent. The multitude of grievances next went on to require into the misunderstanding between France and England. By way of diversion the king asked the lords to take the state of the realm into consideration. Their committee having reported in favour of strenuous efforts both at sea and on the continent, the lords desired a conference with the commons in the hope of bringing them to resolved themselves. But the commons were too little satisfied with what had been done in the past to make any levish promises for the future, and when the king sent a message asking for an immediate supply, a direct attack was opened upon Buckingham.

Deeply incensed at the attempt to call his minister to account, and at the expenses thrown on a blind when he loved with unremitting affection, the king required that the members who had spoken against Buckingham should be punished. The house respectfully asserted its right to inquire into the causes of the distress of the crown. The king then summoned the commons to his presence, and warned them not to question any of his servants, much less one so near to himself; but he could not turn them from their purpose. When a fresh demand for supply was made, Elliot insisted on their right to arrange the conduct of favourites, quoted precedents most explaining in a royal ear, and advised that the house should adopt a resolution to supply the king's wants, but delay turning it into a bill until their grievances had been redressed. His motion was carried. They were again summoned to appear before the king, and were sharply reprimanded by the lord keeper. Charles added some caustic words: "Remember," he said, "that parliament is altogether in my power for their making, sitting and dissolving; therefore, as I find the fruits of their good or evil, they are to continue or not to be."¹

¹ *Parliamentary History*, II, 28.

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Neither the king's rebuke nor the explanations tendered by Buckingham at a conference between the houses availed to frighten or appease the commons. On Ello's motion they drew up a remonstrance which was presented to the king. The houses were then adjourned for Easter, and when they re-assembled, Charles, whose temper had somewhat cooled, offered no hindrance to their proceedings. They accordingly began to frame their charges against Buckingham. At this critical moment the king exacerbated the peers. The Earl of Arundel had been sent to the Tower because his eldest son had presumed to marry Elizabeth Stuart, a young lady connected with the royal house, whom Charles had destined for Lord Lorton. The lords treated his imprisonment as a breach of privilege, and demanded his release. The Earl of Bristol, unwillingly displeased by James, was still restrained by royal command to his country house. He had been ordered not to appear at the first parliament of the reign. When the second parliament met, Bristol petitioned the lords to intercede with the king, that he might either be brought to trial or receive his writ of summons. The writ was sent, but with an intimation that he was not to act upon it. Bristol, treating a summons under the great seal as a command, thereupon came to London and begged that the lords would hear him as to the wrongs which he had suffered and the charges which he wished to bring against Buckingham.

The king saw with dismay that the whole story of the visit to Madrid, and of the faults and mistakes then committed by himself and Buckingham would be unveiled before parliament, at the very moment when he could barely hope for a supply and when the commons were preparing to impeach his fiscal. He tried to silence the accused by bringing a charge of treason against Bristol, whom he had already declared innocent of any crime. The peers defeated his purpose by hearing, first the attorney-general, Heath, against Bristol, and afterwards Bristol against Buckingham. Next the king tried to settle the matter by a message to the lords that he would himself hear witness to the truth of Bristol's assertions. The lords would not, however, deny Bristol a hearing. Then the king tried to dispute Bristol's right to the assistance of counsel, and again the lords assured him that he was mis-

taken. They even directed the attorney-general to take charge of Bristol's accusation against Buckingham. Bristol put in an answer to the charges against himself, but Buckingham put in no answer to Bristol. Although the parliament was dissolved before either case could be heard to the end, Bristol had cleared himself to the public and heaped fresh odium upon his enemy. The king had evaded the reproach of trying to turn a faithful and honorable servant in order to gratify the resentment of a favourite. He had also been forced to yield with regard to Arundel, who was not at liberty on the urgent demand of the lords.

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The commons were slow in maintaining their impeachment against Buckingham. As finally drawn the articles charged the duke with accumulating many great offices, with buying and selling preferments, with procuring titles and pensions for his kindred and Irish guests for himself, with embezzling the moneys of the crown, and even with administering poison to King James on her last illness. They charged him with gross default in the office of admiral, with neglecting to guard the narrow seas, with failing to release a French ship when he should have done so, with lending vessels to the French king to be used against the protestants of Rochelle. Many of these charges were true, but most of the acts alleged were either conformable to the bad practice of the time or had been done by the direct order of the king, and could be called in question only on the principle that the king's command does not protect his servant in doing what is injurious to the public. In their impeachment of Buckingham the commons were asserting the responsibility of minister as it is now understood, and as it had been asserted once or twice in the fourteenth and fifteenth centuries, but not under the house of Tudor or even under James. The entire confidence which the king was known to repose in the duke made their action truly significant.

On May 1 the managers for the house of commons, among whom Sir Dudley Digges and Sir John Eliot were the chief, carried the articles of impeachment up to the house of lords. In the course of a very denunciation Eliot compared Buckingham to Spanish, a comparison which Charles never forgave. Digges was said to have used some words about the late king's death which gave equal offence. Eliot and Digges

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were promptly sent to the Tower, whereupon the commons refused to transact any business until they had been righted in their liberties. A majority of the peers signed a protest to the effect that Digges had not spoken the words alleged to justify his imprisonment. The king thereupon released Digges, but, unwilling to release Eliot, declared that he was under arrest for offences committed outside the house. As he could adduce no proof of such offences, he was driven to set Eliot at liberty. The commons drew up a remonstrance in which they declared that tonnage and poundage could not lawfully be raised without their consent, and refused supply until Buckingham should be removed from the king's council. Charles replied by dissolving parliament on June 17. He followed up the blow by ordering all copies of the remonstrance of the commons to be destroyed and by putting Arundel and Bristol under confinement. After vainly requiring the managers of the impeachment to bring their cases before the Star Chamber, he ordered the charges to be made and answered there, and the court gave judgment in the king's favour.

A second parliament had given Charles nothing, and his poverty was deeper than ever. He continued to levy tonnage, poundage, and impositions without parliamentary sanction. A loan of £100,000 was demanded of the city of London, but was refused, although the aldermen agreed to lend the king £20,000 on their own account. The council sent letters to all justices of the peace that they should exhort their several counties to make a free gift proportioned to what they would have paid had the subsidy bill passed. In order to ensure a favourable answer, several leaders of the opposition, including Digges, Eliot, and Wentworth, were put out of the commission of the peace. But the result was so little in the mood to give that the sum received was contemptible. The maritime counties were next required to furnish ships, and with better success. The king's plate was sold. A debasement of the currency was resolved upon, but not carried into effect. Finally the king determined on a forced loan, equal in amount to five subsidies, about £150,000. As the judges would not acknowledge it to be lawful, he sought to terrify them by dissolving the lord chief justice, Sir Randal Cross. Still the other judges would not give way, and, fortified by their opinion, a large number of persons in all classes refused

to land. Then the king had recourse to punishment. Gentle-
men who persisted in their refusal were sent to prison and
common men were pressed for soldiers. At length a man of
£10,000 was raised by means of the loan, armed general and
bitter discontent.

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Such devices were utterly unequal to the needs of that un-
lucky foreign policy which Charles could not bear to abandon.
At the head of a number of North German princes, his uncle
Christian had taken the field in 1625. But the English subsidy
on which he depended to pay his troops had stopped in May of
that year and despite the treaty of the Hague he had received
nothing else. In August, 1625, Christian was so severely
beaten by Tilly at Lutter that he had to retreat into his own
territory. Moreover Charles was steadily coming towards a
war with France. He assented all the formalities of his young
queen to the suggestion of the French ambassador Blaisville,
when he asked Louis to recall, and of her French ladies and
servants whom he at length dismissed. The dispute over French
ships taken by the English still dragged on. Richelieu strove
in vain to compose the differences between the two crowns, and
Louis fell into the hands of that powerful catholic party which
desired war against the Huguenots and friendship with Spain.
At length the Duke of Epemon, governor of Guienne, seized
the whole fleet of English and Scotch vessels sailing with
wine from Bordeaux. Although Buckingham still talked of
going as ambassador to France, the council issued an order to
seize all French ships and goods in English waters. Louis
demanded the complete execution of the marriage treaty and
the release of the French ships. War thus became certain, and
in March, 1629, the English commanders were ordered to make
prize of French vessels wherever they could be found.

Charles counted partly on his superiority at sea, partly on
the weakness of Huguenot discontent, and partly on the ultra-
tornist opposition to Cardinal Richelieu. As France had no
navy worth the name, the English navy, notwithstanding its
wretched condition, swept the channel and took many prizes,
which brought in a large sum of money. A great expedition
was planned to raze the protestants of southern France against
the crown. What was left of the troops sent to Cadix was re-
inforced with new levies of pressed men as undesirable as the

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The Isle of Rhé, a flat, narrow strip of land about eighteen miles in length, is separated from the mainland by a creek little more than two miles wide. Southwards it fronts the open sea, but northwards the waters enclosed between it and the mainland offer a sheltered anchorage. On the northern shore stands St. Martin, the chief town. The French government had lately built a fortress there and another at La Préf, towards the eastern end of the island, to help in controlling the passage of ships to and from Rochelle. St. Martin was in charge of a governor named Toiras with a garrison of 200 horse and 1,200 foot. When Buckingham began to disembark his soldiers, they showed the same lack of spirit and discipline as at Cadix. Toiras charged them with his handful of horse and all but drove them into the sea. At length he was repulsed and all the troops were landed. For the siege of St. Martin the help of the Rochellais would have been invaluable, but only a few volunteers joined Buckingham. The wind being rocky, a month passed before the works of investment were completed. The blockade proved to be tedious, the besiegers began to melt away as troops on active service were wont to do in that age of ignorance and neglect, and the Rochellais, who were required by the French king's officers to take part against the English, tardily called on Buckingham for succour. He pressed for reinforcements and supplies, which were delayed by the want of money. When at length they were ready, gale after gale drove the ships back to port. French troops were pouring into the Isle of Rhé and would soon be strong enough to take the offensive.

On October 27 Buckingham tried to carry St. Martin by storm, but the scaling ladders were too short and the assault failed. Nothing remained but to quit the island as soon as possible. On the 29th, as the English were marching to the ships, the French under Marshal Schomberg fell upon them and drove upwards of 1,000. Buckingham brought back scarcely 500 men to England. Although he had shown personal courage he had done nothing more to lower the credit of his country and drain the last resources of the crown.

London, in proof of his pacific temper, sent back the prisoners taken in the Isle of Rhé unarmament, but Charles and Buckingham were resolved to continue the war. Having lost the chance of Rade's late arrival, they felt bound in honour to do their utmost for the relief of the city, which was closely invested by the royal forces. They determined that next spring Lord Denbigh should lead a new armament to its relief. Soldiers and soldiers therefore had to be kept at pay, or at least kept alive, ships had to be refitted, and supplies had to be passed into Rade's before the besiegers should close the mouth of the harbour. While negotiating the French war, Charles also tried to help his uncle, the King of Denmark. He could not, indeed, pay the promised subsidy, and his only available force was the contingent which, by the treaty of 1654, England had agreed to furnish to the Dutch armada. The terms of the treaty having expired, Charles sent on these soldiers to Christian. Originally 6,000 strong, they had dwindled to 2,500. Men were pressed in England for the service, but sickness and desertion made more gaps than could be repaired. In the autumn the converging armies of the emperor drove Christian to take refuge in his islands, and locked up the handful of Englishmen in the fortress of Sids on the Elbe. Thus the king's warlike projects everywhere ended in defeat and ignominy.

Soon after Buckingham returned from the Isle of Rhé the money sent by the king to induce contributions to the loan were called in question before a court of justice. Among the persons imprisoned for refusing, five gentlemen, Sir John Corbet, Sir Thomas Daniel, Sir Edmund Hampden, Sir John Hovengham, and Sir Walter Rife, read out their solemn oaths in the court of king's bench. They were brought to the bar and their case was argued on November 12. Their counsel maintained

CRISP. 31. that although the king and the privy council could consent to prison, the cause of controversy must be expiated, so that, when the matter came before the king's bench, the judges could either admit to bail or condemn to prison as they saw proper. The great charter and other venerable statutes were quoted in support of this doctrine. On the side of the crown, reason of state was urged. "In some cases persons known to be innocent must be kept in custody for an indefinite time because they might be dangerous if set at liberty. In other cases, where men were charged with grave crimes, it might be necessary to imprison them for a long time while the facts were scrutinized. An opinion of the judges in Queen Elizabeth's reign was quoted to the effect that the crown need not always show cause for committing a man to prison. After hearing the arguments, the judges refused to admit the procedure to bail, but would not venture on the assertion that the crown might prison for an indefinite time in refusing to show cause.¹

The king's poverty became more and more alarming. The proceeds of the forced loan were spent faster than they came in; the process was anticipated, crown lands were mortgaged or sold, and £100,000 was borrowed from the city of London on the security of the king's coat. An excise upon wine and beer was enacted in the council, only to be abandoned. After releasing the persons imprisoned for refusing the forced loan, Charles ordered an issue of privy seals, the same expedient in another form, but hopeless in the actual straits of the public. Then he bethought him of extending the ancient impost of ship-money to all the shires, and they were assessed at a rate which would have produced £175,000 from the whole of England, but the members were so loud and general that the king drew back. Buckingham is said to have suggested the raising of an army which would enable the crown to exact as much as it wanted. Others pressed the king to call a parliament, and after a struggle he gave way. On January 30, 1648, he ordered the issue of writs for the election of a parliament which was to meet on March 17,

¹ *State Trials*, II, 2.

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THE THIRD PARLIAMENT OF CHARLES I.

As matters then stood, it was natural that the elections of 1626 should go against the court and the new parliament be less overtable than the old. How had Charles made any progress in the arts of popularity? The failure, instead of leading him to consider whether he had not made mistakes, had emboldened him against parliaments for refusing him the means of success. He rebuked the Duke of Arundel and Bristol as well as the Earl of Lincoln, who had been active in recruiting the forced loan, to take their places in the house of lords. The same prohibition fell on Archbishop Abbot, who had taken into dispute on account of his sympathy to the new school of divines, and on Bishop Williams who had lost the grant and by recusing Buckingham's bill. The king warned the commons that, if they would not supply his wants, he must in consideration use those other means which God had put into his hands. "Take not this as a threat," he added, "for I mean as threaten my last my equal." Neither house was to be quelled in this fashion. The lords at once inquired into the reasons why some of their houses were absent, and the missing peers were personally allowed to return. The abbey, chiefs of the commons had met before the opening of parliament and had agreed to drop the impeachment of Buckingham, but to demand all the more firmly the redress of grievances.

These grievances were clear. Unparliamentary taxation was the first. At this time the bulk of the king's revenue was raised by the king's wife and pensions. Arbitrary imprisonment was another and an equal grievance. The two left no more liberty in any real sense of that term. A lesser and partial grievance was the billeting of troops upon common

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householders, especially as those troops were neither disciplined nor paid. A fourth was the enforcement of martial law at a time when there was peace within the kingdom, for martial law was recognised as valid only in time of war or rebellion. In order to check the disorder of the troops, Charles had issued commissions for the enforcement of martial law, and not only soldiers but civilians who had taken part in their offences were tried by virtue of these commissions. Finally, all the resources of power had been justified and all the restraints of law upon the crown had been denied in the past, and even in the presence and with the approval of the sovereign, at a time when the state punished most rigorously all offences which were held to be unwarranted either in politics or in religion. The commons, feeling in the political doctrines of the Arminian clergy a new proof that they were complying with the Romanists against the liberty of England, were still more exasperated against both and still more bent upon their repression.

The house resolved that consideration of grievances must precede supply, and put before all other grievances the attack on the liberty of the subject. It agreed upon four resolutions, the first condemning taxation without parliamentary grant, the other three guarding against arbitrary imprisonment. In order to testify its loyalty, it resolved to vote the king five subsidies, taking care that the vote should not be reported, in other words, that no authentic record of the vote should be made. Then came the question how best to give effect to the four resolutions, whether by laying them before the house of lords, or by petition to the king, or by a bill. Wentworth was in favour of petitioning by bill. Once it had been passed into law, the peace and the property of every Englishman would be safe, and all dissensions or irritating disputes as to what the law had been would be excluded. But the majority preferred to argue the case for the resolutions before the lords. The billeting of soldiers and the exercise of martial law were next discussed. When the representatives of the commons came to argue for the resolutions, most of the peers, feeling that some discretionary powers of taxation and imprisonment must be left with the king for the public safety, tried to find formulas which should reconcile this discretion with the supremacy of the law. But the effort was hopeless, and the propositions offered by the lords were easily

down to be as vague that they imposed no real restraint on the king's power.

Westworth again urged that a bill should be drawn. The house agreed, and a sub-committee prepared the draft of a bill forbidding arbitrary taxation and imprisonment and the billeting of soldiers. The king's impatience could no longer be controlled. On April 21 the commons were ordered to appear before him in the house of lords, and the lord keeper declared by his order that the king held the great charter and the other statutes cited to be in force, and would vindicate his subjects in the just freedom of their person and safety of their estates. They were assured that the royal word was as strong a security as any law that they could make. Later, when the bill was introduced, Charles went word to the house that he wished the question to be put, whether they would assent to his royal word and promise. His spokesman in the house hinted that no law could take away his discretionary power of acting for the public safety. In courteous yet firm language, Westworth declared that they trusted the king's goodness as far as they were concerned for themselves, but that the public violation of the law by his ministers required a public answer. The house resolved that a remonstrance to this effect should be drawn up. The king replied that he would repeat his promise, but would not bear of any encroachment on his prerogative. The house insisted on presenting the remonstrance nevertheless. The king already repeated his first answer. The house was not to be moved from its purpose, but chose a different procedure, by petition, not by bill.

The sub-committee which had prepared the bill was instructed to draw up a petition of right, asserting that the law had been broken in several ways and demanding that no such breach should come again. By May 8 the work was done and the lords were invited to a conference. After some discussion the lords adopted the petition with a new clause to the effect that in presenting it the houses meant to have notice the sovereign power attributed to the king for the safety of his people. They intended this saving clause to affect only the restriction on the royal power of imprisonment without cross shown. But, as Beddingham maintained it to extend to the whole petition, and the commons with one voice refused it altogether, the lords at

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length, consented to drop the additional clause. The lords then invited the commons to join with them in committee, to see if they could devise any declaration which would satisfy the king that they did not mean to encroach on his prerogative. Westworth, who confessed that in the opinion of most men the petition stretched very far on the king's power, wished to accept the invitation. "But his influence had declined, and the commons would not hear of the joint committee. The lords, without proving the point further, accepted the petition on the 15th.

The king then had to consider his answer. In his eyes the house of commons, after disabling the state in time of war, was trying to pass down his prerogative, and, had he been able, he would have silenced them long before. But everywhere fortune was adverse to the king. On April 27 St. Ives had surrendered to Tilly. Early in May Donagh had found the obstructions of the harbour of Rochelle too strong and returned to England without striking a blow. The king had given orders to renew the attempt to silence Rochelle. But the ships, although they had seen so little service, were badly in need of repair; provisions and even water were wanting; and the crews were falling sick by hundreds. Although Charles could not give a blunt refusal, he would not, if possible, give a frank acceptance. He consulted the judges as to whether he might in no case imprison a subject without showing cause, and they admitted that in some cases he might, but that the court had a discretion as to the length of such imprisonment. He next submitted to the privy council the question how the petition should be answered, and they agreed upon a form of words most ingeniously devoid of meaning. On the following day the king appeared in the house of lords, the commons were summoned to the bar and the lord keeper read the following answer to the petition: "The king willeth that right be done according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppressions contrary to their just rights and liberties to the preservation whereof he holds himself in conscience as well obliged as of his prerogative."¹

When the commons re-assembled, Elliot gave utterance to

¹Lord's Journal, ii., 125.

their discontent. After moving that they should postpone con-
 sidering the king's answer until June 6, he resented all the
 faults and misfortunes of the government during the last three
 years, ending with the proposal that the house should agree
 upon a remonstrance to the king. The house accepted his
 motion. The king tried to stifle the remonstrance by a message
 that the session must close in a week's time and that they must
 finish their business without entertaining new matters. The
 house took no heed of the message. Then a second message
 forbade the house to lay any scandal or aspersion on the state
 or its ministers. At the prospect of an immediate conference with
 the crown the members were so deeply moved that many shed
 tears. It was even proposed that every man should ask his
 majesty's leave to go home, as they could do no good by re-
 maining together. But when the first shock of disappointment
 had passed, the house was in unyielding array, and when Coke
 boldly denounced Buckingham by name as the cause of all their
 miseries, member after member joined in approval, and the
 clauses of the remonstrance were rapidly voted. As the lords
 gave it to be understood that they were averse to a dissolution,
 the king did not think fit to use that extreme measure. He
 therefore bent to necessity, and on June 7 gave his assent to
 the Petition of Right in the accustomed words, *but does not*
*assent at all.*¹

The Petition of Right² has always been accounted one of the
 greatest of English statutes and one of the main bulwarks of
 English liberty, nor is this judgment inaccurate, for it robbed
 absolute power of some of its most dangerous weapons. It
 restrained the king from exacting "any gift, loan, benevolence,
 tax, or such like charge without common consent by act of
 parliament," words of which the precise import was soon to be
 disputed, but which certainly made all direct taxation at the
 royal will and pleasure illegal. It forbade the imprisonment of
 any man without cause shown, so that, when a prisoner was
 brought before the judges by writ of *habeas corpus*, they could
 determine whether he should be released on bail or otherwise
 or recommitted to prison. It is needless to dwell upon the
 significance of these clauses. We need more consistent

¹ *Lord's Journals*, li., lxx.

² *Ibid.* l., ch. i.

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to ensure the full impact of those which forbade martial law and the billeting of soldiers. If the king could authorize the enforcement of martial law when there was peace within the kingdom, he could not only form an army altogether subject to his will, but he might extend this special jurisdiction, as it had already been extended, to offenders who were not soldiers. The billeting of soldiers upon the citizen, even when they are under strict discipline, may easily be made a most onerous tax and a most severe punishment. But in the early part of the seventeenth century the billeting of soldiers meant something far worse. The soldier, taken from the lowest class of society and too often left by the state without pay, food, or clothing, was not seldom a lawless and brutal ruffian. The householder who was forced to entertain such fellows might expect to have his goods wasted and spoiled, to be himself reviled, beaten, half-murdered, to see his women insulted, if not finally outraged. The soldiers collected in the northern counties for the French and Spanish wars had under like temptations begun to act like the soldiers of Marlfield or Tilly, and in a few years would have become equally proficient in evil. It is true that states must have armies and that armies must be disciplined, lodged, and fed. But the means which had been taken to attract these ends were so pregnant with evil that only an imminent national danger such as did not exist in 1641 could justify their acceptance.

While passing the Petition of Right the commons were careful to maintain that they stood upon the ancient law and designed no encroachment on the established prerogative of the crown. In proof of this assertion they quoted a series of statutes from Magna Carta downwards. On the other side the king might have appealed to a number of precedents from the accession of the house of Tudor down to his own time. It was undeniable that previous sovereigns had taxed the subject at their own discretion by means of benevolences and forced loans, and had often imprisoned men for refusing such contributions, or for some other reason which could not be made good by legal argument. Precedent could thus be quoted against the letter of the law, and in political controversies no candid man can will refuse weight to justice, for government cannot always be guided by purely legal considerations. The true justification of the commons lay

in the imperative need for ending this state of doubt and uncertainty. The time had come when England must be either a country of legal freedom or a country of absolute power. The Stuarts, to use Burke's phrase, had made the medicine of the constitution its daily food. Out of all the arbitrary acts of high-handed rulers, often in times of real stress and peril, they had made a practice of the constitution, and then, going beyond the Tudors, they had based this practice on a clear and explicit theory of monarchical power which recognised in the law no force but the sovereign's pleasure and gave the subject no title to his liberty but the sovereign's forbearance. Parliament could not but join issue with such kings.

Although the commons were much gratified by their success, they did not therefore lay aside their remonstrance to the king expected they would die. They went on to the capture of divine who had assailed the prerogative of the king and had renewed marks of his favour. Dr. Robert Sibthorpe in an assize sermon at Northampton had declared the king to possess legislative power and had denied any right of resistance to his will in any case. Charles had ordered Archbishop Abbot to license the sermon for the press, and, on his refusal, had placed him in honourable confinement in one of his own houses, and entrusted his jurisdiction to a commission. Dr. Roger Marward in sermons preached before the king himself had denied that the consent of parliament was necessary to taxation, and again the king insisted that the sermons should be removed. Even Laud raised objections, but the king was firm. Sibthorpe escaped punishment but Marward was impeached. The lords sentenced Marward to imprisonment and fine, suspended him from preaching at court for life and elsewhere for three years, and declared him incapable of any ecclesiastical dignity or civil office. The one concession which the commons made to the king was pushing forward the bill for a grant of five subsidies.

The remonstrance when complete included the usual demand for a severe enforcement of the laws against the catholics and the usual denunciation of the Arminian party in the Church. But its chief theme was the excessive power of the Duke of Buckingham and his abuse of that power. Charging upon the duke all that had been done since the king's accession, it demanded his removal from office and from the court. Such

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an inefficient work far beyond the truth. Buckingham was altogether unfit for the great place to which he had been raised by royal edict, but he was not a traitor and he had rarely done anything without the king's knowledge and approval. Charles saw in Buckingham a faithful servant possessed for real and devotion, and he rejected the remonstrance easily. The commons then went into committee on the bill for granting tonnage and poundage. Intending to make changes of detail which would require long discussion, they desired to pass a temporary bill, and, when the king would not hear of this, they wanted an adjournment instead of a prorogation. The king refusing this also, they began a second remonstrance, declaring that no imposition ought to be laid upon goods without common consent by act of parliament, and that the levy of tonnage, poundage, and other impositions in any other way was contrary to the Petition of Right. Not to receive a second remonstrance, Charles, on June 25, prorogued the parliament in a sharp speech.

In their last remonstrance the commons had taken doubtful ground. Politically, they were right in thinking that the levy of tonnage, poundage, and impositions by the sole authority of the crown was dangerous. Legally, the judgment of the court of *exchequer* declaring the crown entitled to levy impositions could not be set aside by a mere resolution of the commons or overruled by anything less than an act of parliament. The commons indeed alleged such a statutory prohibition in the terms of the Petition of Right. But it is doubtful whether the petition can be construed in this way. It forbade, as we have seen, the taking of "any gift, loan, benevolence, tax, or such like charge". In modern parlance the word tax would cover duties on merchandise as well as every other public exaction. At that time, however, the word tax was often used in a narrower sense to signify direct taxes only. Moreover it is a rule of legal interpretation that the sense of a particular term is restricted by the particular terms with which it is coupled. Lastly, those who drew up the Petition of Right were well aware that the judges would construe every statute limiting the prerogative in the narrowest possible spirit and that no terms could be too plain to defeat their subtlety. We may conclude that, if the Petition of Right had been meant to restrict the levy of tonnage, poundage, and impositions, it would have named them expressly

as a needed gift, loan, or benevolence. With so much resistance to encounter, its framers may well have been content to deal with direct taxation only, leaving indirect taxation to be settled in a separate bargain with the king.¹

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In all that related to the Church the king showed his stubborn resolution to ignore the wishes of the majority of the house of commons. Having promoted Montagu, the unpopular Bishop of London, to be Archbishop of York, he translated to London Laet, Bishop of St. David's, whom the commons had expressly censured for Arminian doctrine. About the same time he conferred the bishopric of Chichester on Montagu whose books the commons had condemned. He promoted Mansuering and gave him the rectory of Stamford River vacated by Montagu. The effect of these promotions in the Church far outweighed all that Charles could gain by restoring to favour the leaders of the middle party in the house of lords, such as Bristol and Arundel. Nor did it seem that Williams was allowed to make his peace with Buckingham and once more to give good counsel which was not taken. Charles had lately gained a new adviser who was more congenial than these men, Sir Thomas Wentworth, long known as one of the ablest leaders of opposition to the court, made his peace with the king and was created a baron. Before the end of the year he had become Viscount Wentworth and, on the retirement of the Earl of Sunderland, president of the council of the north.

Down to this day men have debated the motives which led Wentworth to change sides. Motives cannot be directly known, and in such cases are not likely to be conjectured with indifference. Wentworth was probably swayed by many considerations. Most members of the popular party opposed the court quite as much on religious as on political grounds. They were puritans, but Wentworth was not, and therefore lacked the strongest bond of sympathy with his fellows. Wentworth was a passionate, impetuous man, proud of his lineage, talents, and wealth, and he might well be argued at the way in which the house of commons had stopped his control and given itself to Eliza, a man of so different a temper that he could not have been pleasing to Wentworth. Wentworth might honestly think that

¹ For a fuller discussion of this point see *Garrett, etc. loc. cit.*

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the members in the debates which ended the session had gone too far and that they threatened to make government impossible. It has been said that he was impelled to appeal the king chiefly by misreport of Buckingham and dislike of his foreign policy, but it must be remembered that he took the decisive step while Buckingham, still full of life and credulous in the king's confidence, governed all affairs of state. When we have given due weight to all that can be urged in Wentworth's favour, it is hard to account for so sudden and total a conversion, apart from motives of self-interest.

Self-interest, undoubtedly, was in favour of such a change. There have been times and countries where the trade of a demagogue has been very profitable; but in England under the first Stuarts even richer and more dangerous resistance to the sovereign's will brought no rewards and many penalties. It gave neither fame nor notoriety, for political action was confined to parliament, and debates and divisions were not published; it closed every door to power and promotion; it might involve long terms of imprisonment, and in any case marked a man for the unremitting hostility of the crown and its servants. Much as the crown had lost in moral weight since the death of Elizabeth, it was still the supreme authority; it alone could give what ambitious men prize, wealth, titles, office, and the opportunity of securing high administrative facilities such as Wentworth possessed to an extent degree. Nor was there any likelihood that this state of things would be changed soon, if ever. We, who know the result of the conflict, are prone to think that the victory of the parliament over the king must even then have been expected, but to contemporaries the reverse might well seem much more probable. Whatever Wentworth's motives, his conversion was full and final. Hitherto he had boldly asserted the supremacy of the law over prerogative, henceforth with equal boldness he asserted the supremacy of prerogative over the law. No regnancy can harmonise the two halves of his public career, although in fairness it must be remembered that inconsistency by itself does not prove a statesman dishonest.¹

¹ See Gifford, *ib.*, *ib.*, and subsequent chapters, for the most formidable view that can be taken of Wentworth's conversion.

As in the former crisis, Charles and Buckingham were left to carry on war without the useful crown. They were beginning to desire peace with Spain and with France if they could have it on their own terms, but, as they had won no victories, this was impossible, and they felt bound in honour to attempt the relief of Rochelle, then enduring the last agony. In August the king went down to Portsmouth to inspire the preparations which languished for want both of money and of soul. A few days later the duke followed. On the morning of August 23, as he was speaking to one of his officers in the hall, a stranger plunged a knife into his heart. He expired almost instantly. The murderer who did not attempt flight, was passively seized and proved to be John Felton, a lieutenant in the army, a man of decent birth and character. Felton had been wrought up to the belief that it would be a righteous deed to kill the duke, partly by his own glumness, the default of pay and refusal of promotion, partly by brooding over the immorality of the commons and the back of a carole De Tiqueture in which Buckingham was charged with atrocious crimes, such as the murder of King James. He was brought up to London and lodged in the Tower. The king consulted the judges whether Felton could be put to the rack in the ordinary course of law, and the judges with one voice replied that he could not. He was tried on November 23, pleaded guilty, and expressed some remorse for his crime. After his execution at Tyburn, his body was sent to Portsmouth to be hung in chains.

The Earl of Lindsey took command of the fleet which Buckingham had been preparing for the relief of Rochelle. It was made up almost equally of king's ships and merchantmen pressed into the service. Lindsey put to sea on September 7, but it was not until the 23rd that he made his first attempt to force his way into the harbour. He came too late. The besiegers had pushed out moles from either side of the harbour mouth, which left only a narrow interval, barred by a palisade, while the approach was held by a numerous flotilla, supported by batteries on shore. The English fleet was in no condition for a vigorous assault. The masters of the merchantmen had only one thought, how to suffer as little harm as possible. The royal ships drew so much water that they could not close with the enemy. An illa manoeuvre was followed the next day by an

equally fruitless attempt to send in ships. A daring messenger from the town reached the fleet with tidings that the disease could endure no more, and Ludow, finding himself helpless, resolved to try negotiation. He sent Walter Montagu to Rochelle, who took the Englishman over the works, showed him that relief was impossible, promised that the Huguenots should not be persecuted, and insisted on one thing only, that Rochelle must submit to King Louis. Montagu was then sent back to England to tell the king what Rochelle had said and to add that the fleet was in want of bare necessities. Important as he was, Charles still required that Louis should raise the siege and restore the Huguenots to all their former privileges. A few days later, on October 18, Rochelle surrendered.

Although Charles could not bring himself to make peace, the war was virtually over. Throughout its course the cardinal had shown himself a wise and temperate statesman; the dilators of Rochelle, however misguided, had given a glorious example of constancy to the cause which they held divine, and England and her king had made a very sorry figure. Charles seems never to have asked himself how the feeble interference of a foreign government must affect the interests of the Huguenots; or how he could help his sister and the protestant cause in Germany while he distracted France, the natural enemy of the house of Austria, by a war with England; or how he could himself contend against the three most potent monarchs in Europe while carrying on an intestine struggle with his parliament. Charles imagined that his desires, or at best his honour and conscience, were to give the law, not to his subjects merely, but to foreign rulers and to the interests of mankind. Failure only strengthened his delusions, and, however hopeless the struggle, he would never treat until he had lost all the advantages which might move as terms of give and good terms.

At home the aspect of affairs was unpromising. As the house of commons had condemned the levy of tonnage, portage, customs, and impositions by the sole authority of the crown, it was natural that many merchants should refuse to pay these duties. Some of them were imprisoned. In other cases the goods were seized and then the owners tried to recover them by action of replevin, the remedy for unlawful distress. The

part of exchequer held that the goods might not be thus recovered out of the king's possession, and that these differences must be settled in parliament. A certain Richard Chambers, when called before the council to answer for refusing to pay duty, declared that "merchants were as no part of the world so oppressed and wrong as in England. In Turkey they have more encouragement."¹ He was sent to the Marshalsea and the attorney-general preferred an information against him in the Star Chamber. Parliament, which should have re-assembled in October, was prorogued until January. At the same time an effort was made to end the controversies in religion. A royal declaration announced that all further ecclesiastical suits were to be laid aside and that none were to dispute on the articles of religion. Parkes were granted to several clergymen who had incurred the displeasure of parliament and at the same time Montagu's *Appeal Casus* was called in by proclamation. The endeavour to silence theological controversy in an age when it was an absorbing passion would hardly have been successful, although made by the most impartial sovereign. But where the sovereign was a partisan himself, it could only mean that the partisans would be punished for expressing their opinions, while the *Armistice* would be free to maintain all their distinctive doctrines in the ordinary course of spiritual teaching.

The houses met, therefore, on January 20, 1629, in an irritable humor. The commons noticed that the Petition of Right had been printed and circulated with the king's first assenting answer affixed; one of those petty acts of dishonesty by which Charles convinced the world that he could never be held to a promise. Then complaint was made of the seizure of the goods of merchants for refusing to pay duties not granted by parliament. A few days after the opening of the session Charles met for the house and explained that he had only meant to assert the necessity of taking customs till they could be granted in the regular way, not a claim to levy them by his own prerogative. His speech raised the hope of a settlement, for, the principle once acknowledged, it is probable that the dispute as to impositions might have been compromised. But the session soon plunged into the more stirring discussion of the

¹ Rushworth, i. 825.

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differences in the Church. Eliot relied upon the obvious argument against the king's declaration, that, while requiring silence, it really allowed one side, and one only, to set forth their doctrine. Nor was the house much wiser than the king, or more disposed to toleration. Montagu's bishopric, the pardons granted to him and other divines, the alleged students of Meila, Bishop of Winchester, the indulgence shown to Roman catholic priests, all served to chafe the angry feeling of the commons until they resolved to present some of the clerical offenders before the house of lords. Then they reverted to the yet open question regarding tithes and poundage. The seizure of goods and the presentation of some of the women at the Star Chamber were sharply questioned. They sent a message of remonstrance to the barons of the exchequer. They called the custom-house officers to their bar. They declared that a merchant who was one of their own members ought to have privilege for his goods as well as his person. The king informed the house that the officers of the customs had acted by his command, and the house adjourned in order not to decide hastily on this grave information.

Meanwhile a sub-committee had prepared a series of resolutions on religion which declared that popery and Arminianism were spreading, that orthodox doctrine was suppressed, and that its opponents had been preferred to bishoprics and deaneries, had been taken into special favour, and had obtained, under the crown, the chief administration of ecclesiastical affairs. Among these last Helle and Laud were mentioned by name. The resolutions demanded that the universities of orthodoxy should be purified, that their books should no longer be loaned, and that preferment should be given only to pious men. The king in stern order a further adjournment for a week and an early dissolution was expected. When the house re-assembled on March 2, the speaker, Sir John Finch, declared the king's pleasure that it should be adjourned until the 10th, and put the question to that effect. He was met with cries of No, and Eliot seized the moment to speak. Finch threatened that he had an absolute command from his majesty to leave the chair if any one spoke, and he rose accordingly. A tumult followed and Helle and Valentine laid him down in the chair by main force. Eliot asserted the right of the house to adjourn

himself, and tendered a protestation which the speaker would not put to the vote. The house ordered the doors to be locked. Eliot in a vehement speech explained and justified his protestation, but finding the speaker obstinate, threw it in the fire. The king, growing impatient, went for the urgent to bring away the mass. The house let him go, but without it. The usher of the black rod was then heard knocking at the door with a message from the king: Charles had sent for his guard to break in, and in a few moments all would be over. Holfes delivered from memory the contents of Eliot's protestation:—

"Whoever shall bring in innovation in religion, or by favour seek to extend or introduce popery or Arminianism, or other opinions dangerous from the true and orthodox Church, shall be reputed a capital enemy to this kingdom and the commonwealth.

"Whoever shall counsel or advise the taking and levying of the subsidies of tonnage and poundage, not being granted by parliament, or shall be an actor or an instrument therein, shall be likewise reputed an innovator in the government and a capital enemy to this kingdom and commonwealth.

"If any merchant or other person whatsoever shall voluntarily yield or pay the said subsidies of tonnage and poundage, not being granted by parliament, he shall likewise be reputed a betrayer of the liberty of England and an enemy to the same."¹

As the speaker remained impetuous, Holfes put the resolutions to the vote and they were carried by acclamation. Then the house voted its own adjournment and the members dispersed.

The council was divided in opinion, but the king was bent on dissolving parliament. He put forth a declaration in defence of his conduct, alleging that his predecessors had always levied tonnage and poundage by their own authority until it could be granted by parliament, and that his doing this had been made a pretext by the commons for calling his servants to account and interfering with the course of justice. He complained that parliament had first persuaded him to war and then made his necessities a means of enforcing conditions incompatible with monarchy. He promised to observe the Petition of Right, but

¹ *Parliamentary History*, 2, 209.

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announced that he would allow no innovation in religion. Nine members of the house of commons were imprisoned for their part in the late proceedings. One or two made their submission and were accordingly set at liberty. Others firmly refused to answer out of parliament for anything said or done in parliament, and then the king was determined to crush by the utmost severity. Charles had so recently accepted a statute against arbitrary imprisonment that even he could not directly break it, and was forced to apply to the judges for means to break his promise.

The attorney-general was instructed to submit a series of questions to the two chief justices and the chief baron. It was suggested that some things said and done in the house amounted to a conspiracy against certain privy councillors. It was also suggested that, when the house received the king's command to adjourn, it was adjourned in law and its members were therefore a crowd of private persons whose disorderly acts amounted to a riot. The judges were in a sore dilemma, for the king would probably decide those who should give an opinion at variance with his wishes, and, whenever a new parliament should meet, the commons would probably take signal vengeance on those who had furthered an attack on liberty of speech. Accordingly they gave the most cautious reply which they could frame. The king pressed for an answer more suitable to his purpose, and the three chiefs advised that he should take the opinion of all twelve judges. The twelve were equally wary, advising that the case should be argued in the Star Chamber. Meantime the prisoners applied to the king's bench for a writ of *habeas corpus*, thus forcing the government, under the Folly of Right, to state the cause of their commitment. This was alleged to be notable contempt against the king and the stirring up of sedition in the state. The judges had to decide whether the prisoners were habeable, and, feeling that they could not lawfully refuse bail, they were in the most painful straits. Charles was resolute to break the law, but afraid to say so. After some hesitation, he told the judges that none of the prisoners should be put back in court until they should make a better demonstration of their modesty and civility than hitherto. The judges submitted in silence.

At the end of the long vacation, however, the king allowed

the prisoners to be produced in court, and they swore that they might have had if they would give actually for their good behaviour. Regarding their imprisonment as illegal, they declined to be bound on such a condition, and thus left the judges again to make the hard choice between respect for the law and fear of the king. Charles chose this moment to give the judges a lesson by suspending Chief Justice Sir John Walter, who appears not to have been forward enough against the imprisoned members. The attorney-general then charged Eliot, Hales, and Valentine with a conspiracy in parliament to resist the king's orders and to encourage the people in wilful disobedience. The prisoners again declined to swear out of parliament for acts done in parliament. The judges, refusing to admit this plea, condemned them to fine and imprisonment until they should acknowledge their fault and give security for good behaviour.¹ Eliot and Valentine refused to make any submission, but Hales yielded and was soon afterwards set at liberty. Of the remaining prisoners who were not brought to trial all except Strode bought their freedom by submission. Eliot remained in prison until his death in 1552, Strode and Valentine until their release before the election of a new parliament in 1553. The king thus carried his point and succeeded in imprisoning men for words spoken in parliament. Neither the Petition of Right nor any other statute, however stringent, would be of any avail so long as the judges held their places at the royal discretion.

Charles had already made known that he would not suffer any to prescribe unto him the time for calling a new parliament, which was always in his own power, and he resolved never to call another until he felt certain that it would do his pleasure.

¹ State Trials, II., 109.

CHAPTER VIII.

THE PERSONAL GOVERNMENT OF CHARLES I.

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AFTER the dissolution of 1603 eleven years passed without a parliament, the longest interval of that kind in English history. At first there was no general or gross discontent. In those days the sovereign was still the head of the government, appointed and dismissed the ministers, presided in council and despatched all the current business of state. Parliaments were occasional assemblies to pass bills and grant money, and since the accession of the house of Tudor they had met at irregular intervals. Under James I there had been no parliament for seven years, and in ten years not a single statute had been made. Wise men might lament that King Charles had thus quarrelled with his parliament, but they doubtless expected that time would appease his majesty's anger and bring some conjuncture which would oblige him to call for submission and therefore to seek the counsel of the three-estates. The gentry took little heed, for they found no change in the routine of their lives. Whatever might be done when personal government should have been firmly established, the long and hot advenure had for the present every motive to bear lightly upon the mass of the people.

Nevertheless the separation between the king and his subjects which had been widening ever since James ascended the throne was already enough to cripple the best energies of the state. In the course on which he had resolved Charles could expect from the nation no more than acquiescence. While yet all was calm and prosperous the government was weak, and under the first sharp wind it broke down altogether. Its most apparent weakness was its poverty. Charles continued to levy tonnage and poundage, customs and impositions, by his own

prospective, and with the growth of commerce these became more and more fruitful. But these duties, together with the hereditary revenues, were not enough to defray the ordinary expenses without the help of direct taxation. The king's tastes were magnificent, his court one of the most splendid in Europe, the administration, if not quite so careless as under his father, far from frugal. All the shifts and contrivances to which he had recourse fell short of his requirements. As no foreign power believed that he could wage effective war, he could exact no influence abroad. The authority of England in Europe, which had been sinking throughout the reign of James I., vanished altogether and was not renewed until the time of the Commonwealth. That the government knew nothing of the mind of the governed was a gross fatal weakness. Charles would not allow the nation to express its feelings through its recognised organs, the parliament, and he made full use of all the means devised by the Tudors for controlling or silencing the press. But, instead of watching public opinion like the Tudors, he seems to have thought that it did not, or should not exist. Year after year he pursued his solitary course, unaware that save a part of the clergy, scarcely an Englishman approved his policy. There is every reason to think that he was surprised and bewildered when the storm reaction came.

After Buckingham's death Charles became his own prime minister and must be regarded as the real ruler of England. In the first years of the creation of parliament the servant whom he trusted most was Richard Lord Weston, the treasurer, afterwards created Earl of Portland. Weston had found a patron in Buckingham and had been employed in diplomatic and financial business. He was accused of a leaning to popery and was certainly a friend of Spain. As he did not care for the protestant cause, and had to find the ways and means for war, he was steadily in favour of peace. He was parsimonious and withheld to the best of his power those who sought to enrich themselves out of the treasury, but he was not above enriching himself by means which would now be held dishonest. Coffington, the old servant of Charles who had followed him to Madrid, was chamberlain of the exchequer, then a subordinate post, and he too was a catholic at heart and a

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chester, formerly Sir Dudley Carleton, and Sir John Coke,
respectable in point of character, ability, and official knowledge,
were content to perform their duty work without aspiring to
influence the king's policy. Wentworth, fully employed in the
affairs of the north, took little or no part in the government
of the kingdom at large. In ecclesiastical business Charles
was directed by Laud, but Laud, as yet only Bishop of Lon-
don, and obliged to defer in some measure to Archbishop
Abbot, could not give effect to his principles so fully as in
after years.

The king at length perceived that he must withdraw from
his unfortunate undertakings abroad. In April, 1629, he closed
his war with France by the peace of Sen. Either party
plainly abandoned the claim to protect any subjects of the
other. As Henrietta Maria, having gained the full affection
of her husband, was content with her lot, no question was raised
about the articles of the marriage treaty. No territories had to
be returned, for none had been conquered. Although peace was
restored, friendship hardly warmed. Neither sovereign was of an
open or cordial temper, and the all-powerful Richelieu could not
but think meanly of the King of England. Germany lay at
the feet of the emperor, and Christian of Denmark, full of
bitterness against the neighbor who had failed him in the hour
of need, retired from a hopeless struggle and saved his kingdom
by the peace of Lubeck. Thus Charles was relieved of a
burdensome ally.

It remained to make peace with Philip. Philip and his
cabinet, well aware that Spain was perishing under the stress
of so many wars, were no less desirous to come to terms. In
order to prepare the ground they sent the illustrious Raimon as
an informal mission to England. He reached Whitehall in May,
1629, and stayed many months negotiating with and waiting
for the king. Although he had no power to promise that Philip
would surrender the fortresses in the Palatinates held by Spanish
troops, he prevailed on Charles to send Corrington as ambassador
to Madrid and to proffer the Dutch his mediation between them
and the Spaniards. It was rejected by the Dutch, who were
then in full career of victory. The Spanish government would
not engage to effect the restoration of the Palatinates until

Charles strooped to propose a league against them. On November 5, 1650, Cottlington signed the treaty of peace between England and Spain, which replaced the two leagues in their position before the war. Somewhat later he concluded a treaty for the conquest and partition of the free Netherlands, thus binding his master to attack and subvert a protestant state, a friendly state, a state whose independence was necessary to the safety of Britain. Charles did not ratify this engagement of Cottlington, nor had he the means of performance. Before long he learnt that the Spanish ambassadors at Vienna would not help his enemy Sir Robert Anstethion, and that the emperor would give no pledge regarding the Palatinate, whereupon he turned round to negotiate with the Emperor's enemies.

At last the cause of the German protestants had found a worthy chief. In June, 1650, Gustavus Adolphus, King of Sweden, crossed the Baltic, and in January, 1651, he concluded with France the treaty of Bärwick. Charles might have recovered the Palatinate by joining at once the combination against the emperor, but he had neither resolution to adopt nor means to execute to hold a policy, and contented himself with allowing the Marquis of Hamilton to enlist volunteers for the Swedish service. In September Gustavus won the victory of Breitenfeld, which made him master of North Germany. Charles, after his disappointment at Vienna, sent Sir Henry Vane to negotiate with Gustavus respecting the Palatinate; but Gustavus had a most intricate game to play with protestant and catholic rulers, and could not afford to consider the restitution of the Palatinate to Frederick apart from the general politics of Germany. As the King of England would make no alliance with him, Gustavus would enter into no engagement with the King of England. Charles was already meditating an alliance with the emperor and the King of Spain against Gustavus and his friends. Thus he veered round again and tried to win Gustavus, but Gustavus would not be caught while Charles refused to bind himself. On November 6, 1652, the great Swede fell at Lützen, in the hour of victory, and a few days later the unhappy Frederick expired. The king continued to negotiate on behalf of Frederick's son and heir Charles Louis, always refusing to take a direct part in the war, yet always hoping that other monarchs would make sacrifices in his nephew's interest, and turning from one

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belligerent to another with a childish perversity until all had learnt to despise alike his friendship and his ill-will.¹

Although England was at peace, the debts incurred in time of war remained, and the king's revenue did not suffice for his ordinary expenditure. To impose direct taxes contrary to law, to make every Englishman feel that his property was at the discretion of the council, was a course so disastrous that the government would have avoided it as long as possible. A means of raising money, not directly illegal, although annoying, was found in discount of knighthood. In a different state of society and for reasons of which even to the revenue was only one, Edward I. had called on every freeholder having land worth £20 a year to receive knighthood or to compound for his refusal. The precedent thus made had occasionally been revived in later times for the profit of the crown. In January, 1530, the king summoned all freeholders of £20 a year or upwards to take up their knighthood. Considering the fall in the value of the precious metals and the rise in the value of land, this summons would affect a very large number of persons who had no desire for knighthood nor even any pretensions to gentility. They put off compounding as long as they could, but when the court of exchequer declared the king's demand lawful, they had to submit. In this way the government received £113,000 before Michaelmas, 1531, and considerable sums at later times.

During the first years of the suspension of parliament the tendencies of personal rule were displayed more openly at York than at Whitehall. Westworth entered on his duties as president of the council of the north in December, 1529. He came with the fixed purpose of beating down all resistance, unlawful or lawful. Lord Euse, after surrendering his estate to trustees to be sold for the benefit of his creditors, withstood the justices, although armed with an order of the great of chancery, when they attempted to take possession of his castle at Malton, and defied the sheriff of Yorkshire who attempted to enforce execution of the order. Westworth sent for cannon from Southampton which opened a breach in the castle walls and brought Lord Euse to surrender at discretion. But when the courts at Westminster prepared to control decisions given by the council at York,

¹ See the details on *Clarendon*, *ib. lxx.*, *lxxix.*, and *lxxx.*

Wentworth treated their prohibitions with supreme contempt. The jurisdiction of courts, he said, concerned the subject little and might be restrained or enlarged as should seem best to his majesty's wisdom. Sir David Poind, a member of the council of the north, whom Wentworth had contrived to discharge a debt due to the crown, sought his revenge in spending disrespectfully of the president and encouraging the Yorkshire gentry to resist the distrust of his lordship. Wentworth resolved to silence what he termed "the questioning any profit of the crown called upon by his majesty's ministers, which might enable it to subsist of itself, without being accustomed to accept of such conditions as others might easily think to impose upon it," and for this end to make an example of Poind. Poind vainly tried to mitigate the king's displeasure. He was tried in the Star Chamber, fined and committed to prison, where he remained until the meeting of the long parliament, an interval of seven years. Wentworth was named lord deputy of Ireland in January, 1632, and in 1633 he left York for Dublin, but he kept his office as president of the council of the north.

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The determination of Charles to call no more parliaments changed the relative position of the two parties in the Church. So long as parliaments met, the Calvinists, although denied free utterance in the press and the pulpit, had found protectors and spokesmen in the majority of the house of commons and could sometimes take the offensive against their enemies. Afterwards they could find a voice only in pamphlets and libels, published at a fearful risk to the authors and printers. The Anglo-catholics, under a king who was thoroughly of their persuasion and no longer restrained by parliaments, might hope to outstep the puritans altogether. The bishops were generally on their side. The most active and laborious and the highest in the king's confidence was William Laud, Bishop of London.

Laud was in his fifty-second year when Charles ascended the throne. Throughout the last reign he had approved himself one of the most ardent adherents of the Anglo-catholic school. By his teaching when May lectured in divinity at Oxford he had incurred the ill-will of Abbot, then master of University College and vice-chancellor. But he gained the good-will of Bishop Neile, who introduced him to the king. James was moving, almost unconsciously, towards the theo-

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logical doctrines of the Anglo-catholics, and their political principles were his own. Laud found favour in his eyes and became successively a royal chaplain, dean of Gloucester, and bishop of St. David's. He recommended himself to Buckingham by the talent which he displayed in controversy with Piers, a Jesuit who had shaken the favourite's mother, the Countess of Buckingham, in her allegiance to the Church of England. Eloyne sends Laud the duke's agent at court during the expedition to Madrid, and he certainly succeeded to the confidence which Williams had forfeited.¹ In this way began the long enmity between Laud and Williams. But so long as James lived, Laud could not hope for complete success. James never quite emerged from his Calvinism; he was indolent and timid, and shrewd enough to feel a certain mistrust of men governed by one overmastering passion. When he died, Laud was recommended to Charles at first by his connection with the favourite and afterwards by the same accord, not of opinions only, but of character.

Never perhaps have a prince and a sovereign been so thoroughly of one mind. Charles desired Laud to prepare a list of the most notable divines and to distinguish them by the two letters O and P (orthodox and puritan), a contrast of epithets enough to show which party was marked for proscription and which for preferment.² When the first parliament of the reign attended Montagu, Laud was one of three bishops who addressed a letter to the archbishop in his behalf. At the coronation he filled the place of dean of Westminster, that preferment being then held by Bishop Williams, who was still in diocese. In the following year he exchanged his poor and remote diocese for that of Bath and Wells, and soon afterwards was named dean of the chapel royal, a post which brought him into the king's family. In 1627 he was named of the privy council. When Albion fell under the king's displeasure, Laud was one of the few bishops entrusted with his jurisdiction. From that time his activity was felt throughout the Church. In 1628 the house of commons covered him by name along with his friend Neale, and the king promoted him to the see of London. Although Albion was soon afterwards allowed to

¹ *Eloyne, Life of Laud*, p. 172.

² *Ibid.*, p. 173.

resumes his jurisdiction, Land with the king's licence remained far more powerful in the general administration of the Church than his superior, aid, indolent and deeply discouraged.

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Land had the qualities of a great administrator, industry, method, perseverance, the instinct of order and the passion for detail. In the opinion of a statesman he was, comparatively defective. As the principle of intolerance was then generally accepted, we must not too severely blame Land for accepting it also. But even in a persecuting time, some men, whether through laziness, or a scepticism wiser than their creed, or a naturally sweet disposition, are less intolerant than their fellows. Land had none of these temperaments. He was more severe, colder, against outward nonconformity than against speculative error. He could show forbearance towards the learned recluses whose daring thoughts were not likely to reach, still less to move the public. But he regarded the endless controversies about free-will, grace, and predestination as barren and mischievous, and he tried to suppress them, forgetful that, if they served on other end, they at least satisfied some craving in the disputants. Enforcing the letter of the law as he conceived it, he required exact observance of a ritual which offended many persons as religious as himself. Of widespread usage many years old he took no more account than of individual opinion. At the same time he denied the other party in the Church every means of expressing or justifying their opinions. Like the king, he was so devoid of imagination that he did not know when he was driving men to fury.

As it would need the whole power of the state to enforce this discipline in the Church, Land, who regarded public affairs purely as an ecclesiastic, taught the highest doctrine of pre-rogative and shamed Charles in every increment on liberty and every defiance of opinion. Whatever ill-will might be aroused by his political and theological principles he was not likely to mitigate by his personal character. For, with many of the virtues which adorn his profession, he was hard, aggressive, and imperious. Even the friendly Hyde confesses that his temper was hot, his manners rough and overbearing. He held the highest views of the dignity of his own order, more when any of them ventured to withhold his revenues, and then no man could be more blunt and pommatory. Had he been con-

test to assure Church property against fraud and usurpation, to watch over the fabric of the churches, to see against mere sloth, irreverence, and dishonest neglect of duty and by teaching and example to foster that form of worship which he deemed most orthodox, he might still have met with opposition, but it would hardly have been dangerous. By the course which he actually took, he ruined his cause for a time and the old system of spiritual coercion for ever.¹

London's own diocese was full of what he most abhorred, for the citizens of London were generally puritan. In pursuit of uniformity he at once attacked the lecturers, divines when individuals or corporations engaged simply to preach. The lecturers were often chosen for their puritan opinions, and, as they had no care of souls and were not legally bound to read the Prayer Book, they could not be forced to conform like the parson of a parish. The laymen who employed them might dislike them, at pleasure. On both grounds the lecturers were odious to the bishop, who persuaded the king to issue instructions forbidding any lecturer to be appointed in a corporate town unless he were ready to accept a living with cure of souls, in other words, to use the Prayer Book. Afternoon sermons were to cease and the time thus saved was to be spent in catechizing. Controversial topics were once more prohibited. None save noblemen and men qualified by law were to have private chaplains in their houses. Even the admiring Haplyn observes that this last regulation was construed in a way that went beyond the law.²

At the same time severe examples were made of those who assailed the government of the Church. The puritans had a full share of the amusements, the dances, and the savage stupidity which were then too frequent in theological debate, and their temper was not improved by a reputation which every day grew more severe. Alexander Leighton, a Scot with all the Scottish hatred of bishops, had composed in 1618 a furious attack entitled *An Appeal to Parliament, or Sure's Plea against*

¹The character and opinions of Laud are most fully shown in his Works, 4 vols., Oxford, 1849, especially in the Diary, the Letters and the Conference with Paken. See also Haplyn's *Life of Laud* and a passage in Channing's *Life*, note.

²Haplyn, *Life of Laud*, pp. 131-132.

Proley. Begun as a petition, it was enlarged into a treatise and printed in Holland for greater awareness. It denounced the bishops in good set terms of which "trumpety of Ananias" was among the gaudiest, and, mixing politics with religion, styled Buckingham a great Goliath, blamed the king's marriage with a papist, and called on parliament to rid him of bad advisers and the kingdom of prelates. It passed from hand to hand for some time before it became known to Laud, but in February, 1630, Leighton was arrested. He was tried in the Star Chamber, where he had the less chance of mercy as some of his judges had been subjects of his railing.¹ The court sentenced Leighton to pay a fine of £10,000, to be pilloried at Westminster, and then to be whipped and have an ear cut off, and at some future time to undergo the like punishment in Chesham, after which he was to be imprisoned for life. Leighton endured his punishment at Westminster with a fortitude which even now moves compassion. He was spared the repetition of his sufferings at Chesham, but was left in jail until the assembling of the long parliament.

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Henry Sherfield, rector of Salisbury, a paragon of the ordinary type, took offence at a figure in one of the stained windows of his parish church which represented the First Purson of the Trinity.² He obtained an order from the vestry to remove the picture and replace it with white glass. Then the bishop of Salisbury interposed and forbade the churchwardens to execute this order. Some time afterwards Sherfield, whose anger had been assuaged by painted windows elsewhere, took the law into his own hands, entered the church when it was empty, looked at the door, and shattered the hideous window with a stick. At the present day such an offence would be summarily corrected by a police magistrate. Under Charles it furnished forth matter for a state trial. Rye, who had lately left the popular party for the king, and had been awarded with the office of attorney-general, prosecuted Sherfield before the Star Chamber. After some debate the court sentenced Sherfield to pay a fine of £500 and to make a public acknowledgment of his fault. Laud pressed the charge home in a remarkable speech. He did not think it lawful to make the picture of God the Father,

¹ *Laud, Works*, vi., 23; *Steepe, Life of Laud*, p. 209.

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but he thought it well to punish with the strictest rigour all who disobeyed the injunctions of a bishop. The king ordered that the window should be repaired with white glass such as the variety had desired.

In the same year Laud attacked the *doctores* for impropriations. Certain citizens, lawyers, and clergymen of London had established a fund for the purpose of buying up impropriation tithes, which were then used to augment the stipends of ministers, lecturers, and schoolmasters. The object might seem good, but those who established the fund were puritans and bestowed their bounty upon clergymen who shared their opinions. These additions to clerical income were also revocable. Anything which gave laymen control over the clergy and still more anything which encouraged puritan clergymen was in Laud's right position. He caused the attorney-general Hey to exhibit an information in the exchequer chamber against the *doctores* on the ground that without the king's sanction they had formed themselves into a body for holding property. Judgment was given against the *doctores* and their patronage was transferred to the king.¹

In Scotland Charles pursued the aims of his father, the establishment of an absolute monarchy and the reduction of the Kirk to perfect conformity with the Church of England. As he had been taken away when only three years old and had never revisited Scotland, he lacked any knowledge of the country or sympathy with the people to temper his ardours. In the first year of his reign he ventured upon the famous act of revocation which, merely by the royal authority annulled all grants by the crown and all donations to the prejudice of the crown since Queen Mary's accession. Acts of revocation had been issued in the past, but their scope had usually been limited to a royal minority. The act of Charles revoked transactions more than eighty years old, which, however questionable in themselves, might have been thought valid by prescription. The amount of property which had been acquired from the crown during so long a period marked by so many disorders was enormous. The discontent among the nobility was such that the king thought well to treat with the holders of the

¹ *History, Life of Laud*, pp. 279-280.

lands in question and to let them composed for quiet enjoyment. What the crown gained by the act of revocation when this settlement had been effected was a certain money revenue and the acknowledgment of its feudal rights over lands which had hitherto been free because they originally belonged to the Church. What the crown lost by the act of revocation was the support formerly lent to it by the nobility against the ministers and the middle and lower classes. The nobility changed sides, and when Charles had carried his ecclesiastical policy somewhat further, he met with the resistance of nearly the whole Scotch nation.¹

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The king's marriage to a Roman catholic and the extraordinary favour which he showed the papists had already alarmed the Scots for their religion when he came to the summit of 1633 to settle his crown. ~~THE~~ ^{THE} parliament. At the contestation which took place on June 14 the vestments, the ornaments, and the ceremonies were such as to excite their fears. The parliament which met two days afterwards accepted, but not without murmurs, all that was laid before it on behalf of the king. It confirmed the act of revocation, and all the acts of James touching religion, especially an act of 1609 which enabled the king to determine the apparel of the clergy. The king himself was present at the debates to overawe opponents and state the names of those who voted contrary to his wishes. Those who had resisted his measures drew up a paper which, under the modest form of a supplication, condemned all changes in the Church made without the approval of a general assembly, and dwelt on the hindrance to any real debate in parliament. The supplication was never presented, but a copy came into the hands of Archbishop Spotswood, who sent it to the king. Charles in his anger resolved to make an example. One of the opposition nobles, Lord Balmorisco, who had shown a copy of the supplication to his attorney, was tried for "slandering-making," that is, for stirring up rivalry between the king and his people by false reports. The jury condemned Balmorisco by a majority of one, but even Lord intervened for him and his life was spared, although he was kept in prison. None pursued any longer

¹ See Foster, *History of Scotland*, vi, 225-226.

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Uniformity of public worship in the Church of Scotland and the Church of England had been a project of his father. The general assembly held at Aberdeen in 1616 had ordered the compilation of a new Prayer Book to replace Knox's *Book of Common Orders*. As James soon afterwards persuaded the Scotch parliament that there should be no more innovations in religion, the draft was laid aside until Charles called for it in 1629. Dr Maxwell, who brought it from Edinburgh, was ordered to lay it before Laud. Laud disliked it, as retaining too much of the *Book of Common Order*, and suggested that the adoption of the English Prayer Book in Scotland would be the best and simplest course. Maxwell, who knew his countrymen, replied that the Scots would be loath to have the English liturgy put upon them, but Laud was not convinced, and Charles agreed with Laud. When Charles visited Scotland he brought Laud in his train, and both were still resolved to introduce the English service. The unhappy Scottish bishops were in a painful predicament. They could ill withstand the king, whose favour was the only prop of their authority, and yet they felt the danger of affronting at once the pride and the religion of Scotsmen. By raising objections of detail they persuaded the king to let them draw up "a liturgy as near that of England as might be". Thus the fatal hour was postponed and Charles left Scotland.¹

From this time onward the king's system of government seemed to receive a new impulse. Immediately after his return to England Archbishop Abbot died, and on August 6 Laud succeeded to the chair of Canterbury. Almost at the same moment a person unknown offered him a cardinal's hat if he would acknowledge the papal authority. "Something dwells within me," said Laud, "which will not suffer me to accept that until Rome be other than it is."² The reply was perfectly sincere, but the offer shows how Laud's policy was construed by Romanists as well as by puritans. Armed with the authority

¹See Laud's account of the matter, Works, iv., 407, and compare Clarendon, History, i., 126-128.

²Haylyn, *Life of Laud*, pp. 172-173.

of pains and reinforced by the whole power of the crown, he was at length free to reform the Church on Anglo-catholic principles. He stood so high in the king's favour, not merely as a *Churchman* but as a counsellor in secular business, that on the death of Viscount Dorchester, a year before, he had procured the appointment of his friend Sir Francis Wentworth as secretary. As he loved power and did not fear responsibility, he made full use of his influence in council, and the part which he took in government must be weighed whether we would understand the hatred which he inspired or judge his real ability and character. A few days before Laud became archbishop the Lord Deputy Wentworth arrived in Dublin to take up the duties of his place and begin a memorable chapter in Irish history. The two men had long been friends, and even now they found time for a correspondence which is the chief source of knowledge regarding their political aims and methods. They were in perfect harmony with each other and the system which they partly named "Thorough" was common to both. They ruled by economy, by administrative reform, by the severe repression of all criticism or censure, however respectful, to render the sovereign independent of all control. They needed not to persuade Charles of the excellence of their system, but they could not wind him up to their own untiring energy in his execution.¹

So long as the king was in want of money he might always be relied on to call a parliament. For the continuance of personal government it was vital to increase the revenue, and in 1634 the state of foreign affairs suggested to Charles the most famous and disastrous of all his financial experiments. The Dutch had been so steadily victorious that they appeared likely to expel the Spaniards from the Netherlands altogether, and Richelieu was seeking to conclude a treaty with them for the conquest and partition of the Spanish provinces. As the Dutch were the first naval power in Europe and the French were beginning to form a navy, the fall of these provinces was a matter of concern to England. It might well be thought our interest that they should be kept by a distant and embarrassed ruler like the King of Spain rather than be transferred to our neigh-

¹ See *Strangford Letters*, *passim*.

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The first writ of ship-money was issued in October, 1632. Since the king did not care to publish the negotiation with Philip, it merely alleged the danger from pirates and the need of asserting English dominion over the sea. It required the maritime towns to furnish ships larger than could be found in any port save London, but allowed them to compound in money. Complaints were heard, but they did not touch the principle of the writ. The citizens of London pleaded the liberties of their own city, while other towns alleged that they had been rated too high in proportion. Even these objections were not maintained and the whole sum, £104,000, was collected without resistance. In January, 1633, Charles learnt that the French had concluded with the Dutch the treaty for the partition of the Spanish Netherlands, and in April he secured a copy, showing that Dunkirk, Ostend, and Bruges were to be given to France. This knowledge made him all the more desirous to

¹ *Chronicle State Papers*, v. 56.

give proof of his power. In May the Earl of Lindsey put to sea with a fleet which was large and imposing, if not very fit for action, and with orders to compel the vessels of all nations to acknowledge the English sovereignty of the seas, a vain pretence of English claims, which Schöten justified against the Dutch publisher Grotius in a learned treatise, the *Mare Clausum*. Lindsey cruised up and down the channel until October. The French and Dutch man-of-war kept out of his way, and foreign merchantsmen dipped their flags and lowered their masts when hidden. As it was part of the sovereignty of the seas to keep them open to friendly powers, Lindsey conveyed some Spanish ships into the Flemish ports despite the Dutch blockade. One Dutch man-of-war was taken in reprisal for some infringements of English neutrality. These naval honours and a tempting precedent in taxation were the whole result of the first work of ship-money.

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Another means of raising money was found in the enlargement of the royal forests. A royal forest in the legal sense was a tract of land whether wooded or not and whether belonging wholly to the crown or not, over which the crown could enforce a special law, the forest law, by means of special courts, the forest courts. Although the cruelty of the forest law and the abuses of the forest courts had been restrained by the charter of the forests, they were still so oppressive that it was most desirable to live beyond their range. The bounds of the royal forests had been fixed by a perambulation made in the reign of Edward I., after he had confirmed the charters, and this perambulation had been treated as final for upwards of three hundred years. By a gross outrage on all the principles which make property secure and guard the law from becoming the means of the worst iniquity, it was resolved to set aside the results of the perambulation made under Edward I. and to enforce every claim of the crown, however remote its date, for which the least scrap of evidence could be discovered. This method was applied first to the Forest of Dean, and in the course of the three following years to the other royal forests. The proceeding was unpopular and the evidence so imperfect that the jury sometimes was not allowed to see it, yet by persistent bullying, in which Furch was

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possibly active, verdicts were obtained for the crown. Seventeen villages were added to the Forest of Dean; Ruckingham Forest, which had been six miles in compass, was enlarged to sixty; Waltham Forest was made to cover all Essex south of the road from Colchester to Bishop-Stortford, or more than half the county. These results were turned to profit in two ways. Taxes who were found to have encroached on the forests were heavily fined, and those who were newly brought under the forest jurisdiction were allowed to compound for the disforestation of their lands. As the fines were in great part venal, the king's gains were petty after all. In two years and a half the new pervasulation of the forests brought into the exchequer £23,000.¹ For this miserable sum the king had disquieted a crowd of landowners and had discredited his own justice and honesty.

The Lord Treasurer Portland had enemies in the council, especially the archbishop and the lord keeper, who strove to lay bare his motivations for enriching himself and his friends at his master's charge. Before they could dislodge him from the king's favour, Portland fell grievously sick and in March, 1625, he died. On his deathbed he acknowledged himself a member of the Church of Rome. The treasury was then put into commission and among the commissioners was Archbishop Laud. The king embraced every opportunity of showing his goodwill to the clergy, while the indefatigable archbishop was ready to accept any office which would enable him to serve the king and raise the consideration of his own order. He was above fear or corruption, entirely honest and strictly frugal; qualities then rare in public life. But here his praise as a minister must end. He knew nothing of finance, and in his eagerness to render the king independent of a house of commons, he grasped at every means of filling the treasury which he did not deem sinful, however dubious in point of law or however venial in the subject. Next to him the most powerful of the commissioners was the chancellor of the exchequer, Cotton, a very different person, an experienced official and an adult man of the world, who was guided by an instinct of prudence that would rather make friends than enemies.²

¹ Further plans this figure as the result of his maintenance of the forests. *History, etc. loc. cit.*

² *Autobiography of the Duke of Devonshire (London Society), p. 40.*

Leach and Cottingham were presently at variance on a dispute arising out of the monopoly of soap. The act of 1664 forbidding the creation of monopolies had been evaded on the pretext that it applied only to monopolies created in favour of individuals, and monopolies had been freely granted to corporations, always on the alleged ground of the public good and with more or less of substantial profit to the treasury. In the reign of James a patent had been granted to certain persons who made soap by a new process. In 1669 Charles created a company to buy up the patent and gave it power to test the soap made by any other manufacturers; the company in turn binding itself to make 5,000 tons of soap every year and to pay into the exchequer £4 for every ton sold. Quarrels ensued, the other makers protesting that their soap excelled the company's, and, to end the high debate, two parcels of dirty clothes were washed with the soap of the company and the soap of the independent makers respectively, in presence of the lord mayor of London, the lieutenant of the Tower, and other worshipful persons, who pronounced the company's soap more efficacious. The jury council wrote to the justices of the peace throughout the kingdom recommending the privileged soap. Then the independent makers offered to pay £8 for every ton sold if they might be incorporated and take the company's place. The exchequer held that their offer should be accepted. Cottingham held the king bound in honour to the existing company. The company at length promised to increase its payments and retained its privilege. A commodity never used in excess was thus made more costly to the public.

A second writ of ship-money was issued on August 4, 1671. England was still at peace, yet the tax was extended to the whole kingdom and the sum demanded was £200,000, twice as great as in the previous year. In each county the sheriff and justices were to assess the tax on personal as well as real property, a task most unpopular and hard to be performed at such short notice. In some places their subordinates refused to carry out the assessments. The public rumour became so audacious that Charles commanded Finch to take the opinion of the judges respecting his right to ship-money. Ten of the twelve gave a written answer that where the kingdom was in danger, whosoever his majesty was the only judge, the

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charge ought to be borne by the kingdom in general? One judge, Crooke, expressed himself more guardedly and another, Hutton, did not sign the opinion. As everybody knew that the kingdom was not in danger, this deduction carried little weight. Richard Chambers, the merchant who had saved the king's displeasure in 1628 by refusing to pay duties not authorized by parliament, tried to get a decision of the king's bench as to whether he must pay ship-money, but the judges would not allow the question to be argued. Most of the money was collected by March, 1634, and in April a great fleet put to sea under the Earl of Northumberland as admiral. Although he sailed up and down the narrow seas all the summer, he had to be content with facing the king's horses to fish upon the Dutch herring boats, a bravado highly resented by the Dutch government. The sovereignty of the seas having been thus vindicated, he returned to port and struck his flag in August.

While the treasury remained in commission, Cottington had hopes of that great office. But his enemy Laud, who was supported by Wentworth, had gained fresh influence over the king by enforcing a thorough examination of the finances and sharp measures for remedying the deficit. New monopolies of articles in common use were created, and the importations were augmented to the amount of £70,000 a year. Charles who could not look beyond the present gain to the future peril, was confirmed in his liking for clerical ministers and took for treasurer Laud's friend William Juxon, bishop of London. Juxon was an honest and amiable man, who kept an excellent pack of hounds, but he had neither foresight nor energy sufficient to stay the king on his dangerous path. Laud was deeply gratified at his friend's promotion. "Now," he wrote, "if the Church will not hold up themselves under God, I can do no more." He did not pause to think how difficult for the clergy would be sharpened by competition for great secular offices which laymen had learnt to regard as their own.¹

In October, 1634, a third writ of ship-money appeared. Even the deficit then rose that a permanent and general tax had been imposed by the will of the sovereign. Although the

¹ *Autobiography of Sir John Brinsford*, p. 46.

² *Laud, Diary*, March 8, 1635.

proceeds were still spent as the navy, there could be no assurance that this would always be so, or that ship-money would not become what Clarendon terms "a spring and magazine that should have no bottom, and an everlasting supply for all occasions."¹ The pretext of a danger too immediate to allow of application to parliament was so transparent as to be insulting. The manner of resistance gave deep and formidable. Among the nobles who surrounded the king many called for a new parliament. A protestation to that effect was actually drawn up, but not presented, and the king, though still resolved not to summon parliament, tried to silence complaints by laying a case before the judges, and taking their opinion there. The answer which he wanted was given this time by all the judges, but Coke and Hutton signed it only on the principle that they were bound to follow the majority. It was solemnly read out by the lord keeper in the Star Chamber and by the judges on their circuits, with considerable effect.² The collection of ship-money went on bravely. In June, 1637, Northumberland again put to sea, but achieved even less than before, for the main Dutch fishing fleet was guarded by their own admiral, who would not allow Northumberland's men-of-war to halt the fishermen. A small squadron went against the coast of Saline did some real work, and brought about the delivery of nearly three hundred captives.

Two persons were undertaken to make the only possible protest against ship-money by refusing at all hazards to pay, and thus compelling the case to be argued in a court of law. Lord Saye, the stoutest partisan among the peers, was one, and the other was a wealthy squire of Buckinghamshire, John Hampden. Hampden had been assumed at sea only, but his case was chosen as the test, and was argued before the twelve judges in the exchequer chamber.³ His counsel, Holborne and St. John, discharged their perilous task with great skill. St. John did not press the distinction between maritime and inland counties or deny that the king was the judge of the public danger, but maintained that only in parliament could he inquire

¹ Clarendon, *History*, i., 148.

² *State Papers, Domestic, 1637-38*, 11, 12; Halliwell, *ib.*, 122; *Autobiography of Sir John Hampden*, p. 118.

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a tax to meet it. Halcomb denied that the king was judge even of the danger, unless it were so instant that he could not call parliament. The attorney-general, Burkes, asserted that the king had the absolute and inherent right of deciding as to the degree of danger. The judges, after hearing the arguments, gave their decision two by two and at considerable intervals of time. They differed more than could have been expected from men who had twice given a nearly unanimous opinion on the point in issue. Some spoke the language of the parent absolutism. Crewick declared that the king's prerogative enabled him to impose taxes without the consent of parliament. Finch asserted that acts of parliament to take away the king's power in defence of his kingdom were void: "No act of parliament makes any difference." Berkeley came to much the same conclusion: "The law is of itself an old and trusty servant of the king's; it is his instrument or means which he useth to govern his people by. I never read nor heard that *lex* was *rex*; but it is common and most true that *rex* is *lex*, for he is *lex* *supremus*, a living, a speaking, an acting law." But the judges who had hesitated before now spoke out unflinchingly. Coke said that it was contrary to law to lay any charge on the subject men in parliament; as the king could press every ship and every man in defence of the realm, it was idle to claim further powers of meeting an emergency. Denham and Hutton agreed with Coke on the question of principle, and two other judges decided for Hampden on technical grounds.¹ In a body of men whose interests and prejudices were all on the side of prerogative, the smallest possible majority, seven to five, were for the crown. Yet the king acted as though he had been altogether successful, and pressed the collection of ship-money as though its legality could no longer be doubted.

¹ *State Trials*, VI., 409.

CHAPTER IX.

THE PERSONAL GOVERNMENT OF CHARLES I. (Continued).

THOUGH all the judges had given their decisions in Hampden's case the revolution, which was to overthrow personal government had begun in Scotland. But the effect of the Scotch outbreak upon English opinion was largely due to the course which had been taken in the affairs of the Church since Laud became primate. From the first he acted with the utmost energy. He obtained a royal letter requiring the bishops to observe the canon which bade them admit only such persons as could show that they were about to undertake the cure of souls. In this way he hoped to cut off the supply of lecturers and chaplains at the source. He banished himself to enforce the use of the Prayer Book in the little colonies of English merchants abroad, and even in the English regiments employed and paid by the States-General. He restored the painted windows in the chapel at Lambeth, and removed the communion-table to the east end. A like change in the church of St. Gregory in the city of London had induced five of the parishioners to appeal to the court of arches. As Sir Henry Martin, the dean of arches, was known to favour their appeal, the king interfered and summoned him and the petitioners and the dean and chapter of St. Paul's, who had ordered the change, to argue the question before him in council. The king decided in favour of the dean and chapter. Thus the point most bitterly contested between the Anglo-catholics and the puritans, because the difference of form symbolised a difference of doctrine, was decided by the head of the Church in Laud's sense, and Laud was certain to make full use of such a victory.

The puritans of Somerset and certain other western counties

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took offence at the popular feasts known as wakes, partly because they were held on Sundays, partly because they sometimes ended in excess and riot. Chief Justice Richardson, when going circuit there, repeated an old prohibition of the wakes and ordered the clergy to publish it in the churches. The archbishop resented this order as a usurpation, and the king commanded the chief justice to revoke it. Richardson was so slow to obey that he was summoned before the council, where Laud reprimanded him with a roughness which caused Richardson to say, on coming out, that he had been choked with a pair of laws' sleeves. He was forbidden the western circuit for the future.¹ This incident led the king to order that his father's "Declaration of Sports" should be republished and read from every pulpit in the kingdom. A number of puritan dignitaries refused to obey and were suspended or deprived. Upon the question of principle Charles and Laud may have been wiser than the puritans, but their procedure even here was harsh and despotic.

Like many other ascetic Christians, the puritans felt an abhorrence for the theatre. It is possible that the puritan movement by withdrawing serious people from the theatre contributed to the spread of that grossness which disfigures so many of the dramas written under James and Charles. The looseness of the stage in turn embittered puritan censure, which at length broke out in Fynes's famous, but named treatise, *Entertainment: A Survey of Stage Players*. William Fynes, a barister of Lincoln's Inn, a man of immense reading, narrow notions, and a most polemical temper, had already distinguished himself by a series of fierce pamphlets against the Anglicans. With equal credition and still more furious invectives he assailed the theatre. Plays were mere incentives to sin, actors and actresses (then for the first time introduced from France) were infamous agents of corruption, and even the spectators were highly culpable. Fierce as this language now sounds, it was not more violent than the language of celebrated writers in the primitive Church, and the *Historia ecclesiastica* was licensed without demur by Abbot's chaplain in 1632. But certain expressions in it were alleged to reflect

¹ *Two Plays, Life of Laud*, pp. 198-99; *Laud's Works*, vi, 192.

upon the queen, who sometimes took part in court theatricals, and on the king who was a frequent spectator of the play. The author was presented in the Star Chamber. The archbishop made a speech aggravating the offence and declared that he held him guilty of high treason under a statute of Edward III.¹ Poyne was sentenced to be imprisoned for life, to pay a fine of £5000, to be expelled from Lincoln's Inn and to be disgraced, to be deprived of his academic degree, to be set in the pillory and to have both his ears cut off. The sentence was carried out, although the mutilation was so far imperfect that the like torture was inflicted upon him in a later period. Poyne, with many faults, was a man of conviction and of dauntless courage. He was not crushed by his inhuman sentence, unfortunately when the time of retribution came, his virtue was not equal to his greatness.

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In order to reform all that he considered wrong in the province of Canterbury, the archbishop revived an ancient usage and instituted a metropolitical visitation. Claims to corruption made by various parties, such as the bishop of Lincoln and the university of Cambridge, were overruled and the visitation was carried into every corner of the province. It lasted from 1514 to 1517. The articles drawn up to guide its execution prove it to have been comprehensive.² Careful inquiry was made into the administration of ecclesiastical property, the state of the fabrics of the churches, and the provision of church plate and furniture. The character and the orthodoxy of the clergy, the manner in which they celebrated divine worship and the performance of moral and religious duties by the parishioners were all passed in review. It was to be noted whether the communion-table was in its proper place and treated with becoming reverence, whether the forms of prayer in the Prayer Book were exactly followed in the service, whether the sign of the cross was used in baptism, and whether any of the parishioners denied the king's supremacy, or questioned the jurisdiction of episcopal government, or engaged the commons of the Church or frequented private conventicles. The visitation prepared the way

¹ Lamb's Works, v. 124.

² *Ibid.*, vol. v., see also the correspondence between him and Williams, vol. vi.

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for a stricter and more general enforcement of conformity. Order was given that the communion-table should everywhere be removed to the east end and raised up. The wearing of the surplice and the observance of the disputed ceremonies were enforced. Here and there ministers or congregations resisted for a while, but in the end the archbishop and his brethren had their way. Even the members of the foreign churches established by French and Dutch refugees in the age of Elizabeth, who hitherto had been allowed to worship in their own tongue and in their own fashion, were compelled, if born in England, to attend the parochial services.¹

Driven to despair, the more rigid puritans began to emigrate. Whatever their beliefs, the men who will sacrifice home and country for conscience' sake are the salt of the earth. Puritanism was most general in those parts of England where the middle and artisan classes were most vigorous, and the king and archbishop, like other discredited rulers before and after, were expelling a crowd of these thoughtful, laborious citizens who are the only sure support of national greatness and prosperity. The council tried all remedies save the effectual one; forbade emigration, then allowed it and forbade it again. In 1634 the king bestowed on a commission, with Laud as its chief, vast and ill-defined power over the colonies, especially power to establish there the same ecclesiastical constitution as in England. But the immense distance and the resolute bearing of the people of Massachusetts hindered the commission from achieving any result, and the flow of emigrants from England continued.

Now could the most vigorous repression stop the flow of pamphlets and books directed against the rulers of the Church at home. Trymne, who had already suffered so much, continued in his prison to write against the bishops. Henry Burton, a clergyman, published two sermons against the ceremonies which he styled *For God and the King*. John Burdwick, a physician, wrote against the bishops pamphlets each fiercer than the last till they culminated in *The Life of John Burdwick*. All these writers were tried for libel before the Star Chamber in June, 1637. Each was sentenced to pay a fine of £5,000, to stand

¹ For Laud's views on this subject, see a paper, *Works*, vi., 10.

in the pillory, to lose his ears, and then to be imprisoned for life in the remote castles of Carnarvon, Lancaster, and Lancaster. On Finch's motion Prymme was further sentenced to be branded on the cheeks with the letters S. L.¹ When the sentence was put in execution, the crowd openly testified its sympathy. Prymme on his way to Lancaster quoted many testimonies of kindness. Although detained from pen and ink the three prisoners found means to communicate with their friends and were therefore sent to prisons more distant still, Prymme to Mont Orgueil in Jersey, Stanton to Cornet Castle in Guernsey, and Bastwick to a fort on one of the Scilly Isles. Still more cruel was the punishment awarded to John Lilburne, whose youth, for he was only twenty years of age, might have pleaded in his favour. He was accused before the Star Chamber of having printed partisan books in Holland. When required, as was the practice in that court, to swear that he would answer all questions truly, he declined, alleging that he was not bound to answer any question of which he did not know the import. For this contempt he was flogged and pilloried, and then placed in most rigorous custody in the Fleet prison, where he would have died of hunger had not his fellow-prisoners given him of their scanty food. To cut off the evil at the source, the Star Chamber ordinances regulating the press were made still more severe. The number of printers in London was reduced to twenty, and any other person printing a book was to be pilloried and whipped.

It is difficult for those who live in an age of freedom to measure the irritation caused by an ecclesiastical policy such as we have described. In the first half of the seventeenth century the theological passions stirred by the reformation were still full of life. Although a few highly cultivated men had entered into possession of the larger intellectual world discovered at the revival of letters, the bulk of the nation had no interest outside their own petty personal concerns except that of religion, no literature other than the Bible and religious books, no chance of leaving moral or philosophical discussion even in narrow. Thus the whole energy of current minds was concentrated on theological problems. At the same time the public had no

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¹ See below, Lilburne.

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debate how they would worship, or what doctrine they would bear. If the received ceremonies satisfied their religious emotions, if the sermon agreed with their religious belief, it was well, but if not, they could decline either. Nothing could be more exasperating than Sunday after Sunday to behold against their will rites which they deemed idolatrous, and listen to doctrines which they deemed foolish or blasphemous. The minute and rigorous enforcement of the Laudian system wrought up the whole parish population to a boiling rage which, on the first favourable occasion, must break out with terrible consequences. That Laud should have divined nothing of this resentment, but should have thought that men were convinced because it was too dangerous to protest, is a remarkable proof of his want of imagination.¹

As if to crown the success of the archbishop, his old adversary the bishop of Lincoln at this time was finally disgraced. In late years Williams had given fresh proofs of his statesman-like temper. Remote as he was in character and opinions from the puritans, he was left to press them hard and advised a radical course in the chief controversy of the day, as to the position of the communion-table. For a long time he had laid him under a charge of revealing some secrets of the policy council. By his efforts to clear the character of one of the whittakers on his behalf which had been impugned, he exposed himself to another charge of subornation of perjury. The king hesitated whether to compound with Williams for money or to leave him to the rigor of the law. At last Williams was condemned by the Star Chamber to suspension, fine, and imprisonment during the king's pleasure. He had aggravated his offence by a pamphlet entitled *The Holy Table, Manner and Using*, recommending the compromise of the dispute, and he was left in prison for a considerable time.

The relations of the king with the Roman Catholics during these years were of moment, not in themselves, but because of their effect on public opinion.² Charles, who was fully satisfied

¹ Laud's *Second Account of his Practice* presented to the King, Works, v., shows how fully he understood the state of public opinion.

² The relations of Charles and his queen with Rome were for the first time accurately traced by Gifford. His chief authorities were the despatches of Parnell and Goss to the Secret Office, transcripts from the Vatican papers and in the Additional MSS. in the British Museum.

with his own religious beliefs, and set the street store by his authority as head of the Church of England, had no thought of joining the Church of Rome. But he felt no very bitter hatred of Romanism; he was the fond husband of a catholic wife, and he was personally addicted to showing his contempt for the antipathy with which the vulgar regarded everything Roman. Pope Urban VIII. took advantage of these circumstances to obtain a measure of toleration for the English catholics. Catholic landowners were enabled no longer in two-thirds but only in one-third of their annual revenues, poor catholics gained relief from the recusancy fines, and priests might celebrate mass in private without running any serious danger. The pope may have hoped for more, for the conversion of many Englishmen, even of the king and archbishop. But the catholics were agitated by the *Interdum* issued between the regular and secular clergy. Before the death of King James the seculars had induced the pope to appoint a bishop over the English catholics. The Jesuits immediately began a campaign against his authority, and at length procured his withdrawal. In order to compose these disputes the pope sent over an Oratorian named Gregorio Palazzi at the end of 1634. He was also directed to work with the queen's help for still better usage of the English catholics, and learnt that the king would communicate with him through Secretary Winchcombe.

Palazzi found that various great men were catholics at heart, and that others, including the secretary, were possessed with the fancy of a reunion of the Churches to be effected at little or no cost to the Anglicans. He was careful to play upon their illusions, and was himself so far deceived as to think that England might be brought to a reconciliation with Rome on the Roman terms. He had no power to yield a jot. The king hoped that Rome might allow the English catholics to take an oath of allegiance modified to suit their religious scruples, but on this point Rome would make no advances. The queen gave Palazzi help and encouragement. Her chapel at Somerset House, which stood open to all catholics, was crowded with persons of quality, and she actually proposed to take her son to the mass. It was resolved that the queen should be represented by an agent at the court of Rome, and that the pope should be represented by an agent with the

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queen. Urban selected a Scot named Conn for this office. The king played with the notion of science, dreaming that he might interest the pope in the recovery of the Palatinate for his nephew, but grew cold as soon as the presumption of the queen and the archbishop awakened his displeasure.

In 1638 Conn took up his residence at the English court. Under his impulse the queen became more and more zealous in forwarding the great work of conversion and shielding the converts from her husband's anger. At length Lord Newport, displeased to find that his wife had become a catholic, complained to Laud,¹ and Laud, who felt his own position threatened, spoke so strongly at the council board that the king moved about to take measures against such events in future. The queen put forth all her influence with the king, and Charles, feeling the natural despair of a husband and a layman, desired the archbishop to confer with her majesty, and added that he would find her reasonable. The archbishop proposed in council that the chapels of the queen and the ambassador should be closed to English subjects. The queen made good the freedom of her own chapel. The king begged Conn not to spend her up in opposition. Conn rebuffed her all the more, and, although a proclamation against the catholics appeared in December, 1637, it was so mild that Conn himself turned it a paternal admonition rather than a menace. To show how light she held it, the queen massed all the fashionable converts to receive the communion on Christmas day. Encouraged by her example, the ambassadors kept their chapels open, and the catholics were less careful than ever to hide their religious rites. And thus matters stood when Conn returned to Rome in the autumn of 1638.

What Charles did for the catholics was done in the way most fitted to alarm the men of that age. They saw the rules of the Church of England laying stress upon everything in doctrine, discipline, and worship which was most alien to the doctrine, discipline, and worship of the Church of Rome. They saw the peculiarly protestant element in the Church lowered and, as far as possible, suppressed, while the laws against the Romanists were well-nigh suspended. They saw at court a catholic queen

¹ See Laud's Diary, October 20, 1637.

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anxious for her own faith and powerful with her husband. They would learn before long that the pope had an agent at her ear. They knew or suspected that some of the king's chief ministers and advisers, the late lord treasurer, the secretary Walsingham, and Cottington, the chancellor of the exchequer, were either catholics or at least wavering protestants. They heard every now and then of persons high in rank and in royal favour going over to Rome. At such a time of co-operation all these things were enough to excite and alarm but England should be brought back to catholicism and a serious belief that the king's advisers, civil and ecclesiastical, were working underhand for that purpose. The archbishop saw the danger to his cause and would willingly have persecuted the catholics as a pledge of good faith in persecuting the protestants, but the queen would not allow him to do the one nor would his conscience allow him to cease from doing the other. He must go on to the end, and be regarded by an ever-increasing multitude as a traitor, worse than any avowed enemy.

In England a ruler determined to govern arbitrarily had against him the feeling of a united people and strong legal traditions. In Ireland neither of these checks was to be feared, for two hostile peoples dwelt side by side and the only traditions were those of war and violence. After Chichester had quitted Ireland in 1513, Sir Oliver St. John held the office of deputy for seven years. He completed those plantations which Chichester had left unfinished, and degraded Waterford of its charter because the citizens elected magistrates who refused to take the oath of supremacy. His term of power was not marked by any great events. He retired in May, 1520, with the title of Viscount Groulston. The new deputy was Henry Cary, Viscount Falkland in the Scotch peerage. He entered on office with the hope of converting the catholics and issued a proclamation for the baptism of the priests. But the Irish government was so poor that it could not pay its small army, which broke through all the bonds of discipline and became a terror to the subject. When Charles went to war with Spain, he could not leave Ireland open to attack and he could not reorganise the Irish army without Irish funds. Falkland therefore resolved on a course to treat the catholics with forbearance. He removed the charter of Waterford and called an assembly of

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the nobility to which he offered certain favours in return for a regular contribution from every county towards the maintenance of the army.

The oath of supremacy as a condition of taking office was to be replaced by an oath which catholics could take without scruple. The shilling fine for not attending at church was no longer to be exacted. Debts of title to lands were to be cured by sixty years' possession, a bar to any further plantation. These concessions afterwards became known as the "Graces". Having declared itself unable to make a grant of money, the assembly was prorogued until April, 1647, in order that it might be strengthened by representatives of the counties. The enlarged assembly pleaded poverty and would grant nothing, but agents afterwards chosen by the Irish cities and counties to lay their grievances before the king himself proved more complying. They promised a payment of £40,000 a year for three years, and in return the king allowed the catholics to take the new oath of allegiance and promised them secure enjoyment of lands many years in possession. The parliament which should have ratified this bargain was delayed for various reasons, and meanwhile Falkland, who had always shied under the difficulties of his position, became embroiled with part of his council. Wishing to make a plantation in Wicklow, he had encouraged a prosecution against the Tyrone who dwelt there, a prosecution so scandalous that Charles interposed and named a committee of the Irish council to examine the matter. The committee reported against Falkland, who was recalled at the end of 1646. For a time Ireland was ruled by lords justice, Westworth was named lord deputy in 1647, and made his hand felt in Irish business even before he took up his residence in Dublin.*

The contribution promised in return for the graces having come to an end in the year of Westworth's appointment, he obtained by a trick its payment for another year. He made as though he would enforce the recovery here, while secretly informing the catholics that he wished them well, and that the

* See *State Papers, Ireland*, vol. iii, 421, September 22, 1646.

* The chief authorities for Westworth's Irish administration are the *State Papers, Ireland*, vol. iii, 421, and the *Donoughmore Letters*.

Earl of Cork, one of the lords justices, was the real cause of trouble. They believed him and paid in order to secure his goodwill. He came to Ireland in July, 1633, took over the government, and partly by threats, partly by holding out hopes of a parliament, secured yet another year's contribution. Thus he gained time to survey the condition of Ireland and mature his plans. In Ireland, as in England, his first aim was to render the king independent of every other authority. Ireland had been a weakness to the crown, a frequent drain of men and money, henceforward it was to become a strength to the crown, defraying the cost of its own government and on occasion furnishing men and money for use elsewhere. His second aim was to strengthen the English colony, the principal bond between the two kingdoms. His third aim, and at a long distance behind the other two, was the welfare of the old Irish population. Wentworth was statesman enough to know that the power of the sovereign must be built upon the prosperity of the subject, and he was a great administrator who loved order, economy, and effectiveness for their own sake. But we should describe ourselves if we took him for a philanthropist or imagined that he was careful of truth or justice in dealing with the Irish.

The first thing needed was an invincible army. In order to form and maintain that army he required a steady and abundant revenue. He would therefore induce the coming parliament to make such a liberal grant as would fill the treasury for the next few years. He hoped to accomplish this end by playing irreconcilable factions against each other, the protestants against the Catholics, the English and Scotch settlers against the native Irish. He was resolved not to enter into any bargain with the parliament which might make it in its own interests. In the first session he would obtain a supply free from all conditions, and in the second he would pass such bills for the benefit of the subject as he thought proper. He had orders to dissolve the parliament if it should prove intractable. When it met on July 14, 1634, the protestants had a slight majority. Wentworth, in his most confident tone, demanded the means to pay the debt of the crown, £75,000, and to extinguish the annual deficit of £20,000. A Yorkshire friend and neighbour, Christopher Wren

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desired, whom he had brought over to Ireland and made master of the mills, moved a grant of six subsidies or £170,000, and they were voted without dissent. Then all parties demanded a confirmation of the grants, but were told that they must wait for another session, and the parliament was prorogued on August 1. Sedition has perfectly won its complete parliamentary success. When the parliament reassembled on November 4 they learned from the deputy that the whole of the grants would not be confirmed. He designed a new and extensive plantation in Connaught, and the exaction of a rent from landowners elsewhere if a finer could be found in their titles. Discontent was kindled, especially among the catholics, who had most to fear from this breach of faith; but Westworth succeeded in gaining the protestants, carried his measures, and again closed the session victoriously on December 14.

Having thus made the crown irresistible, the deputy could execute his plan for strengthening the English colony in Ireland. Connaught was the only province which had not yet received any English settlers and in Connaught he proceeded to make a plantation. There were indeed strong arguments of justice and even of expediency against such a measure. The titles of the Connaught landowners had been recognised as good by Elizabeth and James, although the patents to that effect had not been enrolled and therefore were technically not binding. Charles for valuable consideration had passed his word that sixty years' possession should bar all claims of the crown to Irish land, and the Connaught landowners had been in peaceable possession for more than that time. Connaught like the rest of Ireland was then so quiet that no pretence of rebellion or conspiracy could be alleged. Nevertheless Westworth persevered. In July, 1635, he went down to Connaught and took measures for the assembling of juries to give a verdict on the king's claims. He told the jurors that the king might in strict law have seized the whole province, and he made no secret that they would be punished if they did not find a verdict for the crown. He thus proceeded in Roscommon, Sligo, and Mayo, but in Galway the jury was more manly. Westworth fined the sheriff £1,000 for packing the jury, ordered the jurors to be cited before the Castle chamber, and arranged to have their verdict set aside by the

court of exchequer. The Galway proprietors were to be punished for thinking that they had a title to their own estates by being more than that fourth part which was to be taken from the subservient proprietors in other counties. These measures ended all assistance, although the plantation was never carried into effect, as other cares distracted Westworth, and finally withdrew him from Ireland. In the whole melancholy history of the plantation there was no more shameful incident than the attack on the Connaught proprietors.

Shortly before Westworth's visit to Connaught the citizens of London were prosecuted in the Star Chamber for having failed to fulfil the conditions upon which the county of Londonderry had been granted to them by King James and were sentenced to forfeiture and a fine of £70,000. After three years Charles remitted the fine all but £15,000 which he wanted for a present to his queen. For this paltry sum and for a trust in Ireland which he would scarcely turn to better account than the Londons had done, he caused the lasting ill-will of that great and rich city whose aid an English sovereign could not but require at some crisis of his reign. To vex and shorn at once the Irish proprietor and the English undertaker was surely the height of wisdom.

In matters of religion Westworth proceeded more cautiously. He held that while the Irish were catholics, they were less likely to be loyal subjects, and that therefore it would be a good work to make them protestants. But he thought that it would be dangerous to try force until he was stronger, and that force itself would not avail until the protestant Church had been rendered effective. He therefore dropped the petty persecuting measures of former deputies and did his best to reorganise the Church. He strove earnestly to regulate the estates of the bishops from lay robbers, he encouraged the building and restoration of churches, he preferred competent clergymen, and enforced discipline and decorum according to the English standard. Here his principles clashed with those of many zealous men in the Church. In a country where protestant and catholic were ever at strife, Anglo-catholic principles could not be acceptable. Westworth found convention to repeal the articles drawn up in 1613 by Usher, who had since become primate, and to adopt the articles of the Church of England. At the same time he

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 18. Ulster. No statesman even of that age held more firmly than Westworth the doctrine that it is a high contempt for a subject to entertain any religious opinions other than those approved by the sovereign. He forgot that in Ireland protestants could not afford to quarrel.

Nor was Westworth less arbitrary in his dealings with individuals. Lord Mountnorris, a member of the council and vice-treasurer of Ireland, although at first the deputy's friend, had gone into opposition. Like most Irish officials of that time, Mountnorris was not free from the stain of corruption. Westworth determined to rid himself of Mountnorris, and the two men became personal enemies. It happened that a kinsman of Mountnorris had dropped a stool on Westworth's gusty foot, and this became matter of conversation at a dinner where Mountnorris was a guest. "Perhaps," he said, "it was done in revenge of the public affront which the lord deputy had done me formerly. But I have a brother who would not take such a revenge." As Mountnorris was an officer in the army, Westworth obtained leave from the king to try him by court-martial for these words. Four months after leave was given, and six months after the words were spoken, he brought Mountnorris before the council sitting as a court-martial on the charge of having spoken words tending to mutiny. Mountnorris was condemned to death, but Westworth did not intend to execute the sentence; he only wanted to drive Mountnorris out of office and saw no objection to this way of doing it. Those who defend his conduct on the ground that Mountnorris was a brave betray their own ignorance of what law and justice mean.

In many respects Westworth's government deserves high praise. On taking office he induced the king to promise that all business should pass through his hands and that all vacant offices should be filled by him. He used these powers wisely and bravely to put down the shameful jobbery which was the base of Irish administration before and after his time. So far as in him lay, no man was preferred, no suit was granted, unless it were for the service of the crown. Courtiers, parasites, and place-hunters found at last a lord deputy who could and would balk their appetites. The revenue which he had so greatly increased he expended honestly and frugally.

He paid off the debts of the crown, he set apart a sum of £40,000 to release revenues which had been mortgaged, and he at length brought the income to balance the expenditure. He augmented the army which was well paid, well equipped and well disciplined. He suppressed the piracy which had rendered the seas so unsafe that ships were taken in sight of Dublin. He encouraged the manufacture of linen and tried to open out new fields of trade. It is true that he would not tolerate the woollen industry and made salt a monopoly of the crown in order that Ireland might depend upon England for some necessities. Nevertheless the kingdom prospered under a ruler who kept the peace and allowed no tyranny except his own. Those whom he had injured most deeply were afraid to complain, and the Irish never seemed more content with their lot than in the years immediately before the terrible insurrection of 1641.

Even when overtaken with Irish affairs, Wentworth followed eagerly the course of affairs in England. In his correspondence with Laud and the king, he recommended the most vigorous policy. Wishing to secure the king from the danger of control by parliament or by the courts of justice, he laid the utmost stress on increasing the revenue and diminishing expenditure. He regarded the opinion of the judges on the lawfulness of ship-money as invaluable both for itself and for the countenance it gave to other taxes of the same class. But even that judgment would not avail unless the king stood aloof from the disputes of foreign powers and maintained peace so as to create a surplus with which he might form an army and make himself impregnable against all attack. He might then call parliament or not as he thought fit, and, if he called it, might accept or reject its counsels as he pleased. He would be so powerful that he need have no concern save not to press too hardly on his subjects. In the meantime every attempt to withstand the growth of the royal prerogative must be checked with the utmost severity.

A passage often quoted from his correspondence leaves no doubt as to the policy which he wished the king to follow: "It is plain, indeed, that the opinion delivered by the judges declaring the lawfulness of the assignment for the shipping is the greatest service that profession hath done the Crown in any time. But unless his Majesty hath the like power declared to

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raise a land army upon the same subject of Scots, the Crown seems to me to stand but upon one leg at home, to be considerable but by favour to foreign Princes abroad. Yet must this, methinks, constitute a power for the sovereign to raise payments for land forces, and consequently submit to his wisdom and censure the transporting of the money or men into foreign States, so to carry by way of prevention the tax from ourselves into the dwellings of our enemies (an art which it seems Edward III. and Henry V. full well understood), and if by degrees Scotland and Ireland be drawn to contribute their proportions to these levies for the public *usar* *in* *the* *possession*, Seeing then that this piece well fortified for ever vindicates the royalty at home from under the conditions and restraints of subjects, renders us also abroad even to the greatest Kings the most considerable monarchy in Christendom; seeing again that is a business to be attempted and won from the subject in time of peace only, and the people first accustomed to these levies, when they may be called upon, as by way of prevention for our future safety. . . . I beseech you, what plenty of alliances is there that should divert a great and wise king forth of a path which leads so manifestly, so directly to the establishing his own throne," etc.¹

When the king had thus placed himself beyond the reach of parliamentary grants and armed himself with military power, he would have been absolute to all intents and purposes like his brethren of France and Spain. Even if he sanctioned parliaments they would have met merely to register his will, and would no more have limited the prerogative than did those ill-remembered estates which went on meeting in some continental countries down to the time of the French revolution. Such being the natural result of the policy enforced by Wentworth, can we imagine that Wentworth with all his commanding ability, his long experience of men and affairs, his knowledge of what had taken place in neighbouring countries, did not foresee this result? He looked forward, it is true, to a time when parliaments should meet again, and was prepared in certain circumstances to advise that a parliament should be called, but, under the conditions which he hoped to establish, this course would

¹ *King's Letters*, ii., 26. The letter was written in 1632.

be no more than a politic harmonizing of old prejudices. It has been said that Westworth wished to restore that relation between crown and parliament which had prevailed in the time of Elizabeth. But Elizabeth was so far from being able to govern as she pleased that even in times of peace she had to ask parliament for subsidies. Moreover, Elizabeth had no army and the ultimate strength which decides political disputes lay not with her, but with her people. The monarch of Westworth's aspirations with his full treasury and his armed force would be far more powerful than any Tudor. On the other hand, there is no difficulty in believing that Westworth intended the necessary consequences of his advice. He may well have seen that a king who would make no concession to the people could be safe only by becoming absolute.

The personal government of Charles I. was to continue some time longer, but by 1637 its character had become patent. Everybody knew that the king had resolved to call no more parliaments and that he would raise by his own authority whatever moneys he might require. Everybody knew that most of the judges would pronounce any stretch of prerogative lawful and that such opinions would be taken by the king as conclusive. Everybody knew that the king and the archbishop would exact the most rigorous conformity with their standard of orthodoxy. The extraordinary courts bequeathed by the Tudors to the Stuarts, the high commission, the star chamber, and the council of the north, had never been so active or severe. The restraint on political and religious discussion was more minute and effective than ever. The act of revision in Scotland, the permeabilization of the forests in England, the projected Connaught plantation in Ireland, were so many proofs that neither length of possession, nor unquestioned loyalty, nor the faith of the sovereign himself could secure any man in the peaceable enjoyment of his estate. The government had become as arbitrary as any of the continental despotisms. This was the logical consequence of that theory of monarchy which Charles inherited from his father. The king, being necessarily above the law of which he is the source, could no more be bound by the law than the head of a family can be bound by those rules which he makes for the guidance of his children and servants and modifies from time to time as he thinks advisable.

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IX. For the satisfaction of the vulgar the king might indeed require the judges to pronounce the lawfulness of his acts at the risk of disrepair, should they refuse to give the answer that they sought. Upon his own principles Charles was already an absolute king and had no need to make himself such, a circumstance which may explain his unshaken conviction of his own integrity and his singular neglect to provide adequate means of forcing his people to remain obedient.

It may seem strange that in this posture of affairs the English nation should have remained so tranquil. But men seldom rebel unless their actual condition is wretched. England enjoyed profound peace; taxation was not heavy; justice was fairly administered as between man and man, and the government showed reasonable consideration for the welfare of the common people. Trade still flourished, huge tracts of the fine were reclaimed and the tokens of wealth and luxury were seen on every side. Those who valued the principles of a free constitution might abhor the precedents which Charles and his ministers were making and tremble to reflect how easily and how swiftly a mild despotism can become a remorseless tyranny. But men who can grasp political principles are comparatively few and may be ignored unless some accident brings the multitude to their side. The puritans might complain of a persecution exhibited by the contrast of the favour extended to Roman catholics. But the puritans were a minority of the nation and an unpopular minority. The average Englishman who blamed the bishops for hurrying the puritans was far from a puritan himself. The number of the discontented was great, but they were as yet ignorant of their strength and they were not generally incensed to that point at which men forget personal safety in the longing for freedom and revenge.

CHAPTER X.

THE SCOTTISH NATIONAL GOVERNMENT AND THE GREAT PARLIAMENTS.

In the later years of Charles I. the currents of English and Scottish history, which had hitherto flowed apart, were at brief moments, single indistinguishably. Hence it becomes needful to insist upon the peculiarities which at that time distinguished Scotland from England.

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Scotland differed from England in the faintness of its political and the intensity of its ecclesiastical life. Placed on the verge of the Old World, remote from the main lines of traffic and the great centres of industry, with a barren soil and an inclement sky, with its mineral wealth but half-known and little used, Scotland, even according to the frank standard of that day, was a very poor country. The highlands, a full half of the kingdom, were still barbarous. Even in the lowlands the middle class was weak in numbers and resources. Society was still feudal everywhere, and in the highlands patriarchal as well. The nobility retained those ample jurisdictions and that commanding influence over their dependants which the nobles of England had long since lost. In Scotland the crown had usually been weak, its revenue small, its armed force next to none, and the ablest kings could ill control a country so impossible and a people so warlike. In the highlands the chieftains exercised all the ordinary powers of government. Far from being able to oppress his subjects, the sovereign had rarely been able to protect them. The steady growth of the royal authority in the reign of James had favoured order and well-being, but was not less adverse to vigorous political life than the old feudal confusion. As regards political development, the Scots were nearly four centuries behind the English.

What the Scots lacked fit-out for the affairs of the State

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they were then made up in suit for the affairs of the Church. The highlanders, indeed, who still retained many pagan usages and superstitions, were too primitive for theological controversy. In the middle region of the highlands, extending from Morven and Lochaber into Banff and Aberdeen, many clans kept the Roman catholic faith. But in the lowlands the middle class and most of the humbler folk were resolutely Calvinist. James had revived the episcopal office and the episcopal order; he had established a court of high commission and joined the general assembly; he had even begun to bring the doctrine and worship of the Kirk into harmony with the doctrine and worship of the Church of England. Yet all that he had achieved was hollow and unreal. The parochial organisation and the Church courts remained presbyterian, the people still deemed the general assembly the only valid ecclesiastical legislature, and the national spirit revolted against any innovation on the system of Knox and Melville which could be construed as even a distant approach to Romanism.

Charles and Laud were not satisfied with the half-measures which had been enough for the more prudent James. Soon after his return to England Charles sent orders that the surplice must be worn by ministers. He created a new bishopric of Edinburgh. He bestowed the office of chancellor on Archbishop Spotswood. In October, 1634, he established a new court of high commission for Scotland, with very formidable powers. In May, 1635, he gave his sanction to a new book of canons, which had not even been submitted to the Scottish bishops, much less approved by a Scottish parliament or general assembly. It contained many enactments most distasteful to Scotsmen. It asserted the king's prerogative as head of the Church and the bishop's authority under the king, directed the placing of the communion-table at the east end of the church, and required acceptance of the new Prayer Book which had not yet been completed. The Book of Canons was published in the following year.¹ By the autumn of 1636 the new Service Book was ready. It had been drawn up by a few Scottish bishops, in full sympathy with Laud and the king, it followed in most respects the English Book of Common Prayer, was ordered and

¹ The Canons are printed in Laud's Works, v. 1, 383 et seq.

altered in England, and was never submitted to any assembly representing the Church of Scotland. In December a proclamation of the Scottish Council ordered the Service Book to be used in every parish and required every minister to procure two copies on pain of outlawry. In May, 1637, the book itself came down to Scotland!¹

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From the first a sullen spirit of resistance spread through the people, already exasperated at the indifference shown to its religious feelings. Congregations accustomed to *Knox's Book of Common Order* saw in the new liturgy a new approach to the mass. That a form of worship settled in England without consulting Scotsmen should be thrust upon the Kirk stung Scottish patriotism. Scotland, it seemed, was to return to all the superstitions of Rome at the bidding of an arrogant English priest. On Sunday, July 23, the new liturgy was read in the cathedral church of St. Giles, Edinburgh. With some vague foreboding of trouble the most dignified officers of Church and State, the two archbishops, several bishops, the lords of the council and the lords of session attended to enhance the solemnity of the service and to command the attention of the crowd. But scarcely had the Dean of Edinburgh begun to read the service when his voice was drowned by cries of horror and epithets of abuse. The bishop interposed and the uproar was redoubled. A woman seized a stool at his head which nearly hit the dean. Then the pulpit commanded the magistrates to clear the church of the rioters. It was done, not without a struggle, and the remnant of the congregation heard the service to the end, while the furious mob thundered on the doors and the windows fell in shivers on the pavement. When all was over, they made their way home as best they could, the bishop hardly escaping grave injury at the hands of the rioters. In order that the afternoon service might be celebrated, it was necessary to set guards round the church and to exclude every woman, for the fair sex had been foremost in the tumult of the morning.

The Scottish policy council was not forward to defend the innovations in the Church, and indeed had no force which could control the mob of Edinburgh backed by the real of half

¹See *The Liturgy of 1637*, recently called *Laud's Liturgy*, edited by Dr. James Cooper.

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Scotland. So well aware were the counsellors of their importance, that the prince himself moved the suspension of the old and new forms of prayer alike, until the king's pleasure could be taken, and the motion was gladly adopted. Charles ordered them to quell resistance and Laud ridiculed the legislation of the bishops. But the ministers dared not read the services, for they knew that neither magistrates nor councillors could protect them for one hour. As the news travelled over Scotland, petitions were drawn up and passed from hand to hand, gaining signatures everywhere, and the gentry and nobility came forward to lend and organize resistance. The king, who began to see that he must put off the attempt to force the liturgy upon Scotland,¹ sought relief in pursuing Edinburgh and ordered that the petty council and court of session should remove to Linlithgow. The reading of his proclamation roused a storm which the council could appease only by imploring the help of the noblemen and gentlemen opposed to the king's policy. A General Supplication was drawn up, asking the king that the bishops might be put on their trial and in the meantime shut out of the council when it was dealing with the state of the Church.

The party of resistance next chose a permanent body of commissioners representing all classes, a minister from each presbytery, a citizen from each borough, two gentlemen from each shire, and not fewer than six noblemen. On December 21 these commissioners presented the General Supplication to the council. Charles summoned the treasurer Trespach to advise him, but did not take his advice. In a new proclamation he avowed the Prayer Book and would offer no more than a pardon to those who had petitioned against it. The petitioners affected to treat the proclamation as merely the work of the council, with which they would have no more to do while the bishops sat there. Finding that the commissioners were too numerous for prompt action, they chose four "Tables" or committees, one of nobles, one of gentlemen, one of citizens, and one of ministers, with power to write whenever it seemed expedient. Thus they returned to a precedent of 1582, when King James had invited his people to enter into a covenant by which they renounced

¹Hailes, *Letters and Journals*, vol. v., appendix 2, entitled *Original Letters and Papers*.

the doctrine of Rome and bound themselves to defend the Church of Scotland. Two of the ablest of the popular leaders, Alexander Henderson, minister of Leith, and Johnstone of Warriston, a lawyer, were appointed to draw up a new version of this covenant, expressing the resolutions of all the opponents of the Prayer Book. After their draft had been voted by the leading nobles, Lord Balmerino, the Earl of Loudoun, and the Earl of Rothes, and approved by all the ministers then in Edinburgh, it was carried to the Grey Friars Church on February 24, 1598, to be signed by the people in their several orders.

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By the National Covenant¹ the subscribers, after reciting the groins and corruptions of the Church of Rome and the statutes by which the Church of Scotland had been reformed, bound themselves, first, to reject all innovations in religion which should not have been approved in free assemblies of the Kirk and in free parliaments, and, secondly, to uphold to the utmost the authority of the crown. As things were, the two pledges contradicted each other, for a presbyterian Church and a Stuart king could no more walk together in the same land than fire and water in the same vessel. Yet the subscribers were not pledging themselves as a political juggler to perform what was self-contradictory. The Scots were as monarchical as they were presbyterian. For the next fifty years the largest, or at least the most effective, part of the Scottish nation contended to make good this impossibility. They tried to force their system upon the victorious parliament and the defeated king. They fought to the last for their system against the potent power of Cromwell, and only after a long and painful experience under Charles II. and James II. did they make their choice between the religion of their heart and their native line of kings.

Although the Scots are esteemed a shrewd and sceptical race, the most famous document in their history was thus the outcome of passion more than of policy. For that very reason it expressed the soul of the people and was adopted with ardour by upstarts who knew nothing of affairs of state. The Grey Friars Church could not contain the multitudes that came to subscribe, and the covenant had to be laid out on a tablestone

¹ Rushworth, v., 724.

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in the churchyard. Many, as they signed, burst into tears. When the covenant was circulated through the country it found an equally eager reception, and, as the number of subscribers grew in Edinburgh and elsewhere, it became hard and even dangerous for any one to hold aloof. Popular fanaticism, cognized and swept of its strength, has few sorceries and no regard for freedom. Gossens, solicitations, threats and even bodily violence, all were used to get signatures, until at length the nation seemed unanimous. The king had not only challenged a most formidable rebellion, but he had called forth a spirit which, heroic as it was, was also narrow, dogged, bitter, and intolerant almost to madness. As the spring wore on, he saw too late that he had no force with which to encounter the uprising, at once orderly and desperate, of a whole people. He brought himself to promise that he would give the censors and the Prayer Book except in a fair and legal way, but he held that the covenant was a standard of rebellion which must be surrendered. To negotiate with the rebels he chose the Marquis of Hamilton.

As the head of one of the most illustrious and powerful families in Scotland and the personal friend of the king, Hamilton seemed very suitable for his arduous mission. He reached Edinburgh early in June and was met by the covenanteers with an appeal to a general assembly from which the bishops should be excluded and to a parliament. He returned, hoping that he might induce Charles to accept what he thought inevitable. Since Charles had not the means of making war, he sent Hamilton on a second mission in August, with authority to promise the calling of a general assembly and a parliament, but without authority to accept the covenant. When Hamilton announced these offers, a new dispute arose upon the constitution of the assembly. The king intended that it should consist solely of clergymen, including the bishops. His adversaries meant to exclude the bishops and admit laymen, and Hamilton, finding them inflexible, returned to England. His doubtless used his best efforts with the king and gained leave to announce extraordinary measures. Returning to Edinburgh he declared that the king revoked the high commission, the censors and the Prayer Book, and was ready to revoke the articles of Perth if the parliament so desired. Even the power

of the bishops was to be limited. Hamilton was also charged to summon a general assembly for November and a parliament for May, 1695.

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In the elections to the general assembly the people took no account of the king's wishes, the recent practice or the claims of the bishops, but went back to an act of 1592 determining who should elect and who should be elected. Each parish was to send the minister and one lay elder to the presbytery, which was to elect three ministers to the assembly. The presbyteries within the jurisdiction of each presbytery were to elect one lay elder. The bishops were considered merely as spectators. They were indicted in legal form before the presbytery of Edinburgh, which referred their cause to the general assembly. Charles, in reply, empowered Hamilton to announce that he was preparing for war, although desirous of peace and willing to sanction a new and more regular assembly. Without heeding the threat or Hamilton's effort to interpose, the assembly met in Glasgow on November 21. On the 25th Hamilton pronounced its dissolution, and withdrew, followed by the other proxy commissioners, all save one man who was to be the political chief of the revolt against the crown, Archibald, Earl of Argyll.¹ The assembly ignored the plea to the jurisdiction put in by the bishops, abolished the episcopal office, declared the nullity of all assemblies in which bishops had borne a part, condemned the articles of Perth, the canons and the new Prayer Book, and put the Church of Scotland on a strictly Calvinist and presbyterian footing. The royal supremacy was thus ended, and Hamilton returned to England for the third time with nothing but failure to report.²

Charles, impatient to conquer the Scots, was held back by want of money. Early in 1696 he raised a fourth and last writ of ship-money, but did not venture to ask for more than £50,000, which came in very slowly. For the invasion of Scotland it was computed that 30,000 men would be necessary, and that such an army would cost £555,000 a year. In his need the king fell back on poor expedients. The

¹ Hamilton Papers, relating to this year originally, edited by Gardiner.

²For an account of the proceedings of the general assembly, see Baillie, *Lectures and Journals*, i., 128-131.

CHAP. nobles were summoned to discharge their military service as feudal tenants. The trained bands of the northern counties and a number of pressed men were to form the infantry. About 12,000 troops would be available on the border and 5,000 more were to be embarked for a diversion on the east coast of Scotland. The king's army was not weak in numbers alone; the men were raw, undisciplined, and indifferent to the cause. Charles, who had no spark of national feeling, tried to obtain from the Netherlands a number of veteran Spanish battalions to return for leave to the Spanish to beat up recruits in England and Ireland. Fortunately for him, not a Spanish soldier could then be spared by the government at Brussels. Generals were also wanting. The Earl of Arundel, who had no qualification save those of rank and ill-will to protestantism, was named commander-in-chief, and the Earl of Holland, the most agreeable of courtiers, but the most untrustworthy of politicians, was to be general of the horse. The post of second in command was given to the Earl of Essex, who had sense, courage, and some slight experience, but was ill-qualified to have been placed so high.

The Scots opposed a fierce yet methodic enthusiasm to the hugger and discount of the English. In spite of the royal navy they procured from abroad great quantities of arms and ammunition. Recruits came forward in crowds, and among them many men of tried valour. For, in an age when the Scots had few industries, little commerce, and no access to wide lands beyond the ocean, they sought, like the Swiss, a career as soldiers of fortune in foreign countries. Religious preference had usually led them into the service of the protestant powers, notably of the Dutch republic and Sweden, where, under the foremost generals of Europe, and in long and strenuous warfare, they perfected the high martial qualities of their race. Hundreds of these veterans were available to stiffen the overbearing militia, and one among them, Alexander Leslie, the natural son of an obscure laird, was chosen to supreme command. More than thirty years earlier Leslie had entered the Swedish service. Under three successive sovereigns he had fought against the Russians, the Poles, the Danes, and the Imperialists. He had been knighted by Gustavus and created a field-marshal by Charles; but on the approach of trouble in

Scotland, he obtained letters of *dimission* and returned to uphold the covenant with purity and record. Although not a man of genius, he was a good disciplinarian, and a prudent strategist. He soon found himself at the head of an army at least equal in number to the army of the king, and infinitely superior in every quality which distinguishes an army from a mob of countrymen.¹

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It only remained for the contending parties to set each its own cause in the most favourable light. The Scots put forth a declaration protesting their loyalty and laying all the blame on certain English prelates who favoured the Church of Rome. Charles in his proclamation denied that the dispute turned on the service book or on episcopacy; it was whether he should be King of Scotland or not. He intended to cover the border with his main army, while the force on shipboard, under Hamilton, should be disembarked at Aberdeen to join the Gordon army under the Earl of Huntly, and, then reinforced, march southwards, rallying the scattered loyalists to assail the enemy in the rear. But the covenanters were on the alert. They took with little trouble every castle held for the king in the north of Scotland save Caisterock. Against Huntly, who had risen on a premature summons from the king, they sent James Graham, Earl of Montrose, a young man of splendid genius for war, then as eager in the cause of the covenant as he was to be somewhat later in the cause of Charles. On his approach, Huntly, although at the head of 5,000 men, despaired of success, disbanded his troops, went to meet Montrose, and promised not to hinder any of his people who might wish to sign the covenant. Those who were unwilling to do so should subscribe an engagement to uphold the laws and liberties of Scotland, and Huntly himself was to remain quietly at home. But the covenanters, afraid to have so potent a chief at large when they should join battle in the south, loved Huntly to Aberdeen, made him a virtual prisoner, and carried him off to Edinburgh. Montrose, it is painful to record, was the agent in this treacherous business.

Thus the division in the north, so highly valued, became

¹ See G. G. Terry, *Life and Campaigns of Alexander Leslie, First Earl of Leven*.

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impossible, and the English army on the border had to stand a forced march. Three regiments only were to go on board the fleet, which was to sail for the Firth of Forth, where Hamilton might try whether any would take his part. A royal proclamation offered pardon to all but ringleaders of the rebellion, and tried to gain the vessels and treasure of rebels by promising a reduction of their rents. The Scots, who were well informed by their friends of the king's real weakness, were not to be moved by threats or promises. The English nobles were so deeply disaffected that Charles trusted them no oath to fight in his cause to the utmost of their power and the hazard of their lives. Lords Eglis and Breck refused the oath, and were placed in custody. Hamilton entered the Firth of Forth on May 1, but could find no place to disembark his men. The very women were working on the fortifications of Leith, and his own mother, proud in heart, promised that she would be foremost to shoot him if he landed. In despair he advised his master to make up the quarrel at any sacrifice. Charles was so far moved as to issue another proclamation, claiming only temporal and civil obedience, but he felt that he must do something, and advanced with his troops as far as Berwick. A few days later the Scots reached Kelso.

The king's forces had risen to 15,000 foot and 3,000 horse, and he was impatient to strike a blow, for he knew not where to find the means of maintaining them. Holland was ordered to drive the enemy out of Kelso, but found, or thought he found, them far stronger than himself and returned without firing a shot. Nothing could move dispirited new soldiers, left idle without shelter or sufficient necessaries and beginning to sicken in huge numbers. Then Leslie with the main Scotch army advanced to the border, and encamped on Duns Law in sight of the king's troops. The Scots were in high spirits and under exact discipline, well fed and well provided.¹ There could be little doubt how a pitched battle would go, but the Scottish leaders were too shrewd and too deliberative to desire such a battle if it could be avoided. They took the first opportunity of negotiating, and begged the king to name commissioners to treat. Brought difficulties and urged by Hamilton, who had

¹ *Balfour, Leslies and Forrester*, i., 202-204.

came back to the camp, Charles gave way, and circumstances of both parties met on June 18 for a first conference.

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What drove the king to negotiate was the want of means to keep his army together. He had demanded a free contribution, first from the city of London, afterwards from the whole kingdom. With the exception of the clergy and some servants of the crown, hardly anybody would contribute. The queen had solicited the catholics, although to small purpose. Under pressure from the king the council demanded a loan of £100,000 from the city, but threats could bring no promise from the aldermen, and the council dared not put its threats in execution. By straining all his resources the treasurer managed to collect £50,000, a small sum with which to conquer Scotland. Charles accepted the terms offered by the Scots, and the treaty of Berwick was signed on the 18th. Both sides agreed to disband their armies. The Scots undertook to dissolve all unlawful committees, such as the Tables, and to restore the royal castles, while Charles consented to leave all civil matters to the determination of parliament, and all ecclesiastical to the determination of the general assembly. As he still refused to acknowledge the assembly held at Glasgow, a free general assembly was to be held at Edinburgh in August. Parliament was to meet a few days later, and, among other acts, was to pass an act of oblivion and indemnity.¹

The treaty of Berwick left the greatest differences between the king and the Scots undetermined. The king, in his proclamation ordering new elections for a general assembly, summoned the bishops and archbishops to sit there. The convention at once replied with a protestation, and the Edinburgh mob with sundry acts of brutal violence. On the other side the convention did not strictly fulfil their promise of disbanding the army and dissolving the Tables. Conferences between the king and the chief commanding nobles had no other effect than to embitter the quarrel. Charles was resolved never to abandon the cause of episcopacy in Scotland; the convention were even more resolved not to suffer its restoration, and, knowing that the king had only yielded to necessity, they could not but regard him with unchangeable distrust. At this very instant he was direct-

¹Berwick, ii. 344.

ing the bishops to protest against the new assembly, and assured the prince that he would never leave thinking how to commit any compromise which he might be forced to make against the interest of the Church.

When the general assembly met, it re-enacted the covenants adopted at Glasgow. When the parliament met, Charles answered in a letter to Traquair that, though he had consented to the abolition of episcopacy, he would not consent to a repeal of any of the statutes by which episcopacy had been established. So fresh an example of inconsistency was not lost upon the parliament, which suppressed episcopacy, justified those who had taken part in the late rebellion, and provided that the chief estates of Scotland should be instructed in none but Scottish subjects, approved by the estates after they had been named by the king. As Charles would not defer to Scottish opinion in ecclesiastical matters, Charles was to have his *privy* council called. He lost patience and ordered Traquair to prorogue the parliament. The Earls of Loudoun and Dunfermline were sent to ask that he would change his resolution. Charles would scarcely have yielded even if left to himself, and he was now in the hands of a most resolute and experienced adviser, for in September Westworth had returned from Ireland, his fierce nature unimpaired by painful disease and by anxiety lest the whole fabric of personal government which he had done so much to rear should crumble into ruin. In the committee of council for Scottish affairs Westworth predominated, and, next to Westworth, Laud. It is not surprising that the king should have repeated the order to prorogue the parliament and refused the entreaty of Dunfermline and Loudoun that he would confirm the bills passed in the recent session.

Having committed himself to a new war against Scotland, Charles had to find the ways and means. The council resolved on a fresh demand for ship-money. Something was said about levying an excise by prerogative. But Westworth urged the king to call a parliament in the hope that either it would grant what was asked or, if it proved intractable, the king would have more colour for taking what he wanted by his own authority. The archbishop, who shared Westworth's opinions, and Hamilton, who did not greatly care what happened in England, supported Westworth, and their joint influence prevailed with

Charles. The lords of the council promised that, if parliament would not give, they would exact him in such extraordinary ways as should be thought fit. They even offered an immediate loan of £50,000. Westworth advanced £5,000, three other members £10,000 apiece, and two-thirds of the loan had been subscribed before Christmas; a remarkable proof of the wealth of the English nobility. It was settled that the English parliament should meet on April 15 and the Irish parliament somewhat earlier, in order that its compliance with the king's demands might dispose the commons at Westminster to grant a larger supply.

The king, wishing to strengthen public opinion, released Valentine and Strafford from their long imprisonment. But he flayed by his betrayal of parliament how little he looked for any serious opposition. He created Westworth Earl of Strafford and raised him from lord deputy to the higher style of lord-lieutenant of Ireland. On the death of the Lord-Keeper Conway, he entrusted the great seal to Chief Justice Finch, one of the extreme prerogative lawyers. Having dismissed Sir John Coke from the secretaryship, he gave that post to Sir Henry Vane, whose main recommendation was the goodwill of the queen and Hamilton, and this against the vehement resistance of Strafford, who counted Vane a personal enemy.

The Irish parliament met on March 16, 1642, two days before Strafford reached Dublin. Availing himself of its divisions and of the natural fear and abhorrence with which the Irish Catholics regarded the Scottish covenanters, Strafford obtained Irish assurances of loyalty and four subsidies, or £150,000, a grant which, if we take into account the poverty of Ireland, must be deemed very liberal. The lord-lieutenant declared that, with some help in money from England, he would be able to dispose of 9,000 Irish troops for the approaching campaign. With what feelings the English would see Irish Catholics opposed to Scottish protestants he did not apparently reflect. The session of the Irish parliament closed to his entire satisfaction.

The English elections took place in March. The discontent which had long been gathering in the hearts of the people did not explode with violence but it wrought far and wide. To be

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known as an opponent of the policy hitherto pursued in Church and State was the best recommendation of a candidate. Most of the men who became famous in the coming troubles, whether for or against the king, were returned as members of the popular party. Pym brought to his sixth parliament definite convictions, large experience, and mature ability. Hampden, whose resistance to ship-money had given him equal weight, was elected by his native county. Oliver Cromwell, who had sat the House of Burgesses in the last parliament, became a burgess for the town of Cambridge. The reputation gained by St. John in defending Hampden won him a seat for Essex. Among the new members were the young Lord Falkland, son of the unsuccessful deputy of Ireland, the most winning and amiable among the public men of that day; his friend the accomplished and eloquent Edward Hyde, afterwards Earl of Clarendon, and George Digby, son of the Earl of Bristol, in whose talents of an ordinary kind were to be made useless and even ridiculous by a slightness and poverty hardly conceivable. As a whole, the new house of commons resembled those which had gone before. The great majority of the members were favourable to the parliament, hostile to the Aristocracy, eager to redress grievances, and resolute to keep the powers of parliament unimpaired. They were not, however, inclined to push anything to an extreme, and would have been amenable to wisdom and forbearance on the part of the king. But Charles was unable to imagine that his subjects could have any ground of complaint.

When parliament met on April 13 the bed-chamber explained the king's need of money and intimated that a bill granting tonnage and poundage from the king's accession and a subsidy bill would be presented to the commons. After these had been passed they would be free to consider the grievances of the subject. This order of business did not approve itself to the house. Member after member rose to complain of encroachments on the liberty of the people. Pym summed up the various topics of complaint in a weighty oration which marked him out as the leader of this and of the coming house of commons. He did not attack persons, but proposed that they should ask the lords to join in searching out the causes and remedies of these insupportable grievances and in petitioning

the king for redress.¹ The commons then went into committee on the treatment of Elliot and other members after the dissolution of the last parliament, on the writs of ship-money, and on the old grievances of impositions. That the lords felt with the commons, at least in ecclesiastical affairs, was shown as well in other ways as by their calling in question the historical of a bishopric on Marston.

Matters once more followed the familiar circle. The king sent for the houses and the lord-keeper insisted that they must grant a supply. To hinder the resolution of parliament convention voted no less than six clerical subsidies, or £100,000. The commons asked the lords to grant them a conference, hinting that they knew not whether they had anything to give or so until their liberties were cleared. The king, more angry than ever and prompted by Strafford who had come back from Ireland, went down to the house of lords to declare that supply must provide redress of grievances and to ask the peers not to join with the commons if they remained obstinate. The lords were moved by this personal appeal to vote that grievances should be postponed to supply, and the commons very naturally treated their conduct as a breach of privilege. Strafford then told the lords that, if the commons refused a supply, the parliament should be dissolved. Yet in the council he advised the king to yield on the point of ship-money, and the king consented that the famous judgment should be carried on a writ of error before the house of lords, where it would be reversed as of course. In return the king might expect a liberal grant; Vane thought, twelve subsidies or £120,000. Strafford would have left the amount to the goodwill of the commons, and the king at last agreed to take eight subsidies, although he changed his mind here.

The next morning, May 4, Vane asked the house to grant twelve subsidies in return for the abatement of the claim to ship-money. In committee opinions were divided. Hampden, who did not wish to make the king independent while so many other grievances were left untouched, saw that the house would be unwilling to grant a sum so enormous, and therefore proposed that they should debate on the question of giving the

¹ Rushworth, II., 1091.

man specified. Hyde, who hoped to close the difference between the house and the king, proposed that the question should be whether they would grant a supply at all, a question which most of the members would answer in the affirmative. In the course of debate other grievances were denounced, such as the imprisonment of soldiers and the exaction of cost and conduct money, that is, money to clothe and transport the man newly levied. Finally, Vane declared that the king would take nothing less than twelve subsidies, whereupon the debate was adjourned to the following day. As the king was entering upon a serious war, he was not likely to forgo success on which he thought himself entitled. The parliamentary leaders had further provoked him by negotiating with the Scots' commissioners and by proposing to discuss the Scottish declaration. After the committee broke up, they resolved on a petition for a treaty with the Scots, and their resolution became known to Charles. He called a council for six o'clock the next morning, announced his intention of dissolving the parliament and signed it out, regardless of Strafford's urgency for delay. The parliament, which had sat just three weeks, because known in contrast to its more famous successor as the Short Parliament.

In later years Hyde explained this abrupt dissolution by the treachery of Sir Henry Vane, who bore a grudge against Strafford for having taken his second title from Vane's uncle of Raby. Hyde, after joining the king's party, was so resolved to find in more personal papers and ambitions the causes of the mighty conflict, that his account of the matter carries the less weight.¹ What happened was much the same that had happened with every previous parliament of the reign. As the king and the commons acted on opposite theories of government, there could be no harmony between them, and every meeting ended in a new conflict. This time the members of the opposition were not frightened but incensed.² The more moderate went home full of anger; the more daring felt with Oliver St. John that all was well, for it must be worse before it

¹ *Clarendon, History*, iv, 1169, and the sentences of Vane's, *History of England*, vi, Appendix, relations of Clarendon, and Clarendon, *History*, etc. etc.

² *See Clarendon's observations on the dissolution of the Short Parliament, History*, etc. etc.

could be better. Next time they met they would seek redress, CHAP.
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but they would seek revenge also.

The Scottish war had to be carried on, like the king's former wars, without parliamentary assistance. The committee of council for Scottish affairs was divided as to the best mode of action. Vane, who knew the feeling of the country, wished to stand on the defensive. Strafford, who had a sound military instinct, was for taking the offensive. For this purpose he advised the king to set "loose and absolved from all rules of government". The Irish army might be brought over to help against the Scots.¹ The archbishop agreed in advising the king to carry matters with a high hand, advice which Charles was always ready to take. Some members of the late parliament went sent to prison; the studies of others were searched, though in vain, for compromising papers. Measures were taken to enforce payment of ship-money and seal and contract money. The lord mayor and aldermen were called before the council and required to raise a loan of £50,000 from the city. They went to return in a couple of days with a list of the persons able to contribute. Unwilling or afraid to obey, they came without the list. "Sir," said Strafford, "you will never do good to these citizens of London, till you have made examples of some of the aldermen. Unless you hang up some of them, you will do no good with them." But England was not Ireland, nor could the lord mayor of London be treated like Lord Montacute.² The king contented himself with sending four of the aldermen to prison. On the same day Strafford tried to obtain a loan from the Spanish embassy by promising that, when the Scots had been vanquished, the king would join with Spain to attack the Dutch. Little as the Spaniards knew about England, they declined the proposal. But what can be said as to the judgment of the man who made it?

Maximian symptoms of popular dissatisfaction became frequent. Solidicons and insulting placards were posted up in different parts of London. A mob went to Lambeth in hopes of surprising the archbishop and seeking his palace. The sixteen who had been put in prison were released by an event

¹ Vane's name and so Strafford's too. They are given in not more by Whitelocke, Montacute, and so another time. In a paper printed in *Register* 12. of the National MSS. Commission, p. 5.

² *Bedfordshire, Strafford's Trial*, p. 364.

of their fellows. The trapped lands of the house counties were brought up in rotten order in London, but it was well known that they had no good-will to the work. The men pressed for the war began to desert or maling in an alarming fashion. Secretary Walsbank applied to the papal agent Roscili, who had replaced Cons, for men and money to help the king. When matters had gone thus far, it was necessary to temper. The imprisoned aldermen and members of parliament were set at liberty and no more was said about the loan. Charles soon repented of this forbearance, and the payment of ship-money and coat and conduct money was severely pressed. Neither forbearance nor harshness could avail against a nation resolved not to pay. The clergy alone were eager for the war. As parliament had been dissolved before it could confirm the clerical grant of six subsidies, convocation, which continued sitting, turned that grant into a benevolence or free contribution. It put forth a number of new canons, asserting, among other things, the doctrine of non-resistance and requiring all clergymen and schoolmasters to declare on oath their approval of the established government of the Church "by archbishops, bishops, deans, and archdeacons, etc."¹ Its proceedings severely injured the general ill-will to the bishops, and the "western oath" became the favorite theme of puritan ridicule.

Under these conditions the second Scotch war began. The king gave the command-in-chief to the Earl of Northumberland, who had little heart in the cause, but was a friend of Strafford. Strafford himself, who had many of the qualities of a great soldier, was appointed lieutenant-general and Lord Conway took command of the horse. It was intended to collect 25,000 men on the border, but months passed away and the army was still to make. The northern trainbands having been excused on account of their last year's service, the only men who felt some faint glow of hereditary hatred to the Scots were gone. The rank and file were pressed men, indifferent to the cause, ignorant of all that relates to war, and wholly without discipline. The cavalry were mounted on cart horses and armed with pike which could not be discharged. As the temper of the gentry was such that they could not be trusted to command

¹The Canons are printed in Laud's Works, v., 407 et seq.

their humble neighbours and dependants, the officers were strangers to the men. Many of them were Roman Catholics. A company asked its captain whether he would receive the communion with them, and, on his refusal, would march no further. Others threatened to murder officers who had the misfortune to offend them. One or two officers were actually murdered. In the eastern counties the riots under the conjoint influence of purification and liquor often broke into the churches and pulled up and burnt the communion table. It was proposed to bring in Danish cavalry to keep down the English soldiers. At length orders were given to enforce martial law, but this being contrary to the Petition of Right, the commanders dared not act with vigour.¹

As the summer advanced, Charles was driven to the most desperate expedients for money. He asked the Spanish bullion which had been deposited in the Tower to be coined there for exportation to Dublin. The merchant-adventurers protested as loudly against an act of violence which would call down reprisals abroad, that the bullion was released in return for a loan by the merchants of £40,000 on the security of the farmers of the customs. Then the council ordered a debasement of the currency to the amount of 75 per cent. The base coin were to bear the legend in Latin: "Let God arise and let his enemies be scattered". Again there was such an outcry in London that even privy councillors ventured to protest. The king offered to abandon the scheme if the common council would take up the old project of a loan from the city, but the common council declined to do anything and the debasement of the currency was quietly dropped.² Sheffield again begged for money from Spain and to no purpose. The court of Rome replied to Windham's overtures that it would send both troops and the money to maintain them if the king would become a catholic; otherwise it would give nothing. At the end of July, Northumberland submitted that the army would require for the next three months £100,000 "towards which we have not in cash nor in view above £20,000 at most".

On the Scottish side all was confusion and feverishness. An informal convention of estates had met at Edinburgh in April.

¹ State Papers, Domestic, ecclesiastical and ecclesiastical, James.

² *Business of Sheffield's Field*, p. 419.

CHAP. X. The parliament met in June, regardless of the king's order prohibiting it to July, and promptly re-acted all the measures which had been passed in November. When it rose it left a committee of advice to carry on the government. The covenanters were had on foot an army as numerous and well-disciplined as in the previous year. What discontent was still lingering in some parts of Scotland, the committee of advice quelled with all the strenuous energy of Strafford. Argyle's friends proposed to give him the power of a regent over all Scotland or at least over the country beyond the Forth, while the south should be entrusted to two other noblemen. In order to defeat this scheme, Montrose with others secretly entered into the bond of Cambusnash and their resistance proved successful. As yet there was no outward breach among the covenanters. They resolved to bring the war to an issue by invading England, and, well aware that the English were either friendly or indifferent, they put forth a skilled statement of their purposes. Since they could not afford to carry on negotiations which might prove useless, they were coming to clear notions of their grievances from their king. So far from being hostile to England, they expected the next parliament to do justice upon his evil counsellors. They would act as in a friendly country, pay for all supplies, offer no wrong to the people, and shed no blood unless they were attacked.

On the other side the king prepared to take the command of his army, ordered the trainbands of the northern and midland counties to be called out, and summoned once more the military tenants of the crown, although permitting them to commute their service for money if they pleased. Northumberland, who had seen the case to be desperate and had fallen sick, was replaced as commander-in-chief by Strafford, who still imagined that the nation would rally round the king, that Newcastle might be defended, and that the Scots might be driven back into their own country. Charles reached York on August 25, and at his entreaty the Yorkshire gentlemen agreed to take the field. But on the night of the 26th Leslie, at the head of 25,000 soldiers, had crossed the Tweed at Coldstream and marched straight southwards, disregarding the fortress of Newcastle on his left flank. The Scots kept their progress to the English people, were that they allowed themselves the capitation

pleasure of pillaging the estates of monks and of the dean and chapter of Durham. On the king's side nothing was ready for resistance. Stafford himself was so broken in health that he could go no further than York. Of the troops, about 22000 were at Newcastle under Conway, and about the same number were with the king. Conway left two-thirds of his men in the town, and with the remainder took post at Newburn, the lowest ford on the Tyne. On the 25th the enemy appeared, and, after a ramnade which did little harm, the English fled and the Scots passed the river. Next day Conway withdrew the remainder left at Newcastle and the Scots occupied the town. All Northumberland had been thus cheaply won, all Durham was abandoned by the king's troops, and there was little hope that the loss of the Tyne would be maintained against the invaders. Stafford had by this time reached Darlington. Too late his eyes were opened to the rule of his own. "Fifty men," he wrote to his kinsman George Radcliffe, "he never came any man to so lost a business."¹

A number of public men, hostile to the king's policy, had met in London and agreed on a petition for the calling of a new parliament, which should not only redress the grievances of the nation, but should call the king's ministers to account. As the peers were hereditary councillors of the crown, it seemed desirable that peers alone should sign, and the petition bore the names of twelve, the Earls of Bedford, Essex, Gloucester, Hartford, Rutland, and Warwick, and the Lords Bolingbroke, Broke, Howard of Effrich, Maudeslay, Molegrave, and Saye. A few days later the Scots presented a supplication to the king for the redress of their grievances with the help of an English parliament. Thus bent, Charles adopted a suggestion of his council that he should convene all the peers to assist him, with their advice, possibly with their wealth. Such a great council had not met since the reign of Edward III, but it might delay for a moment the calling of a more formidable assembly. York was to be the place and September 24 the day of their meeting.

The Scots, although successful, were in a difficult position. Having spent all the money which they had brought from

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¹ *Witness, Life of Radcliffe*, p. 109.

home, they proceeded to levy contributions on the counties of Durham and Northumberland at the rate of £250 a day. The people of the north could not resist the payment of tribute to the hereditary foe, and there appeared in Yorkshire a disposition to rally round the king, whose forces continued to increase. But the people of the south were still favourable to the Scots, and the citizens of London came by thousands to sign a petition for a parliament. Money was scarce with the king than ever. When, therefore, the peers assembled in the treasury at York, the king bent himself to ask their advice regarding the answer which he should give to the Scots, and the means of supporting the army until parliament should meet. The Earl of Arundel, whose ability and experience entitled him to lead, moved that the peers should raise clothes of their body to negotiate with the Scots, which was accordingly done. On the following day it was agreed at Bristol's suggestion that the citizens of London should be invited to lend £40,000 on the faith of the peers to supply the immediate wants of the army.

The sixteen peers virtually took the negotiation out of the king's hands. On October 2 they met the Scottish commissioners at Ripon and found them somewhat presumptuous. The Scots demanded a payment of £40,000 a month so long as they occupied the northern counties, and their occupation was to last until a peace should have been made. Unwilling to submit, the king would have removed the conference to York, where his presence might raise doubt, but the Scots declined to risk themselves in the grasp of an army commanded by Stafford. Nor did they object without reason; at this very moment Stafford was suggesting to Radcliffe that it would be well to set on the Irish parliament to drive from Ulster the Scottish settlers who were naturally in favour of their countrymen at home. Thus, in order to embroil the commanders, Stafford was prepared to kindle in Ireland the appalling war which broke out in the following year with consequences so bitter that they are felt even to this day. Radcliffe had the proposal aside, but it cannot be forgotten in judging Stafford's character? The negotiation was continued at Ripon, and at last the Scots lowered their demand to £250 a day, about £25,000 a month. The English commissioners agreed to pay

¹Wenton, *Life of Radcliffe*, p. 201.

this price for a cessation of arms, and to leave the Scots in possession of Durham and Northern Ireland. A definitive treaty was to be negotiated in London. Charles would not enforce the payment to the Scots but would not forbid it. He accepted the treaty of Ripon and on October 26 the great council was dissolved. In a few days a new parliament would meet to debate the many painful and dangerous issues which had been raised by eleven years of personal government.

During the struggle between the king and his Scotch subjects the consideration of his kingdom in Europe had descended to nothing. In 1637 Charles was still endeavouring to regain the Palatinate for his nephew without effort or expense on his own part, but his weak and shifty behaviour had discredited him with all parties in the great European contest. In 1638 he again asked the French and the Swedes to promise that they would exact the restoration of the Palatinate, and they again refused unless he would become their ally both by sea and by land. Then he gave Charles Lewis £50,000 to raise soldiers, and the prince took the field with a small army which was routed by the imperialists at Witten on the Weser, a combat notable as the first in which his brother Rupert displayed the headlong valour so well known afterwards on English battlefields. Rupert was made prisoner, but Charles Lewis escaped. Meanwhile the French were successful in all quarters, and Charles, alarmed and vexed, came to think that Richelieu was stirring up rebellion in Scotland in order to disable him from action elsewhere. He drew closer to the Spaniards and actually gave his protection to a Spanish armament which sailed from Corunna for Flushing in August, 1639. The Dutch under Tromp, disregarding his protection, fell upon the Spanish fleet and ruined it in the great battle of the Downs, fought on October 11. The covenanters thought of asking for French mediation and entered into a reasonable correspondence with Bellière, the French ambassador, who would gladly have given them help. Richelieu, who with unerring judgment saw that discord in Great Britain would be fatal, refused to interfere and recalled Bellière. Modern research has dispelled the opinion held by Clarendon and many other historians that the French government for its own purposes fostered the great civil war.¹

¹ Graham, *History*, ch. xvi.

CHAPTER XI.

THE FIRST SESSION OF THE LONG PARLIAMENT.

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AT the elections of October, 1640, the men who had sat in the short parliament were for the most part returned again. But the electors and the elected alike were in a far different mood from that which prevailed in the spring, for the arbitrary dissolution of the last parliament had raised public indignation to the point at which it becomes dangerous to repress. Men had very generally come to believe that there was a conspiracy on foot to overthrow Protestantism and political freedom, and to establish the Roman catholic religion and arbitrary power. The plain fiction that whatever a king does or bids is done by the *enjoy* suggestion of evil counselors still protected Charles, but against his ministers and against the pretence the public feeling was unquestionably hotter and more revengeful. It demanded something more than remonstrances or even statutes. The nation remembered how former parliaments had been cut short and their protests, even their legislation, had been ignored. Even the Petition of Right had not made the king more tender of the property or the personal freedom of his subjects. Parliament was therefore to be secured against untimely dissolution, and the ill advisers of the crown were to be, not merely repressed, but punished. Then it would be time to consider what new laws should be passed for the common good. In this temper the fifth parliament of Charles I. met on November 3.

The king's position when the parliament met was such that he could hardly offer any resistance to its wishes. He could not dissolve it like former parliaments, for without its help he could not raise the funds to keep his own army together or to hinder the Scots from marching southwards. For the same reason, he

could not refuse bills nor check impeachments. Although he was helpless, he was not convinced, and so little was there any common ground of understanding between him and the house that from the first a loose observer might have foretold a civil war. Since Buckingham's death Charles had been no puppet, his policy, whatever its blindness, had been of his own contrivance and execution. How then could he tamely submit to the rage of parliament calumniators whose only fault was to have served him *diligently* after his own heart? And even if he could wound his honour thus, how could he abjure those political principles which rendered it impossible for him to accept without reserve any statutory restraint upon royal power? In the government of his people he was God's viceregent, and he had done his best, and if perchance he had sometimes erred, it was not for them to resist or even murmur. But in defiance of its own high purposes Divine providence had seen fit to chastise him and had allowed madness, wickedness, and impiety to triumph for a moment. Charles, therefore, remained passive, yielded where he could not resist, beset with how unwillingly he did so, and reaped no popularity, no confidence. If he at length forced a following and could proclaim a cause for which thousands of Englishmen were prepared to die, he owed this partly to the fault of his adversaries, partly to the guidance of men far wiser than himself.

On the 9th the house of commons elected a speaker. It was then usual to accept the nomination of the crown, and Charles, in default of any warmer partner of his authority, named William Lenthall, a barrister. Without any extraordinary gifts, Lenthall had the tact, temper, and good sense which are so necessary in that office, and although his honesty was afterwards called in question, he remained speaker until the removal of the commons was expelled by Cromwell. On the 9th the house began to consider the grievances of the subject, but its first serious business was the attack on Stratford.

Aware of the empty which he had aroused, Stratford had been most unwilling to quit the army, but the king felt that his help was necessary and wrote urgently that he should come to London. If he came, he should not suffer in his person, honour, or fortune. Stratford, who knew better, wrote to Radcliffe that he was for London "with more danger heart, I

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 32. Where every course is full of danger, a brave man will adopt the boldest, and Strafford was not without hope of destroying the chiefs of the house of commons before they could destroy him. On arriving in London he advised Charles to accuse his enemies of treason on the ground of corresponding with the Scots. Charles wavered, and the parliamentary leaders were warned.² There was no time to lose. Pym moved in the house of commons that the doors should be locked. He then denounced the intentions of Strafford with respect to the Irish army, and after some debate a select committee was chosen to prepare matter for a conference with the lords and a charge against Strafford. Until the charge had been prepared it was unusual to approach the upper house with a demand for the arrest of the accused. But the commons felt so hardly the danger of leaving their enemy at large that, in spite of Falkland's remonstrance, Pym was entrusted with a message to the lords asking that the earl, as one accused of high treason, might be sequestered from the house and imprisoned immediately.³ The lords complied with the message, and Strafford, without being allowed to speak, was handed over to Manners, the usher of the black rod, and taken out of the house. The commons could then mature their charges in safety.

Pym, who had obtained knowledge of Strafford's words in the privy council respecting the Irish army,⁴ procured an order from the lords authorizing the examination of privy councillors upon oath, an order without parallel in the history of parliamentary impeachment. The preliminary charge in seven articles declared that Thomas Earl of Strafford had treasonably endeavored to subvert the fundamental laws and government of the realm of England and Ireland, and caused thereof to introduce an arbitrary and tyrannical government against law, which he hath declared by notorious words, counsels, and actions, and by giving his Majesty advice by force of arms to compel his loyal subjects to submit themselves.⁵ Although the term "fundamental laws," then used for the first time in a parliamentary proceeding,

¹ *Winstanley, Life of Rastell*, p. 208.

² *Estlin, Strafford's Trial*, p. 21; *Lord, Works*, II., 295.

³ *Clarendon, History*, vi., 2.

⁴ *Ibid.* p. 219. ⁵ *Lord's Journals*, iv., 22.

never was and never could be defined with legal accuracy, those words expressed the belief of the majority that Starbuck had sought to make the king absolute. Thinking thus, they inferred that it was both just and expedient to punish him with the utmost rigour. The other charges of converting the king's money to his own use, trying to enlist papists in support of his political schemes, and so forth, were by comparison trivial. The charges were carried up to the lords on November 25 and Starbuck was committed to the Tower on the same day.

The commons then assailed the other advisers of the crown whom they regarded as Starbuck's accomplices in the conspiracy against freedom and the protestant religion. Wintchbank, the secretary of state, a catholic at heart, had not only counselled arbitrary measures, but had gladly carried out the king's policy of protecting catholic priests. When the house called upon him to explain his conduct, Wintchbank fled to France, where lessons from Benedicta Maria craved him a hospitable reception. Charles declared that he would not allow the parliament to punish his servants, but he could not withhold the commons from inquiring into the actions of the lord keeper, Finch. On December 7 Hyde moved that the judges who had taken part in hearing Hampden's case should be asked to say what objections they had undergone. Finch having been incriminated in the report of their answers, Pildand moved that a charge should be drawn against the lord keeper. He asked to be heard in the house and defended himself ably, but could not meet a vote for his impeachment on a charge of treason, whereupon he fled to Holland. The commons had already resolved to impeach Archbishop Laud. On December 18 the lords requested him from parliament and committed him to Marston's custody.¹

Furious with the attack upon the king's advisers went the reflecting of popular grievances. The victims of the Six Charities, Burton, Buxtrick, Fryman, Lilburne, and Leighton, were set free by order of parliament and entered London in triumph. Marston's were denounced, and it was ordered that members concerned in them should be debarred from sitting in the house. It was resolved that ship-money was an unlawful tax, and that the judges who had given a contrary judgment had broken the

¹ *Parliament*, ii., 119.

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The political principles of the king and of the houses could never have been harmonized, but here the king stood almost alone, the nation was with the parliament and therefore the king would have to submit. Upon ecclesiastical questions the majority of the house of commons at least was equally adverse to the king, but here the nation was far more deeply divided, and the king was far more likely to find the means of resistance. That conflict which began with the reformation, the conflict of private judgment against ecclesiastical authority, was still in progress. Hardly any one denied full freedom of conscience, but men were not agreed as to where coercive power should reside or as to how it should be exercised. The bishops and the parson ministers alike wished to keep such power in the hands of the clergy, while lawyers and politicians very generally thought that it should be retained by the state, although they might dispute how far the king and how far the parliament should wield the state's authority. What might be tolerated, and what must be suppressed, was a further question on which the utmost diversity of opinion prevailed.

Nearly the whole nation disapproved of the way in which Lord and his brethren had exercised their power. When the parliament met, most people were ready to limit episcopal jurisdiction, but they were not opposed to episcopacy in itself, still less to the received form of public worship. They were guided by no logical theory, but by the English distrust of extreme claims. A part of the public went further and wished to deprive the clergy of all temporal power. Here political

protestation came in aid of deliver to the bishops. In the house of lords, then a small assembly, the votes of the bishops, one-fifth of the whole, were invariably cast for the crown, and, as the crown appointed the bishops, there was little hope of any change in this respect. But this opinion involved no judgment on episcopacy as a mode of Church government and no equity to the Book of Common Prayer. There was, however, a presbyterian party in the strict sense of that term, which regarded episcopacy as antithetical to the Word of God and found fault with the Book of Common Prayer, performing a form of worship like that of Scotland or Geneva. This party was numerous in the middle class, especially among those engaged in industry and commerce, and was accordingly powerful in London and other large towns, but it was a small minority of the nation. It was highly irreligious, especially of catholics, and it looked for support to the Scots, with whom it was in full sympathy. Lastly, there remained a party, still weak and obscure, which desired all general systems of Church government and demanded freedom for every congregation of Christian men, the party known as Brownists or Independents. This party was hostile to the bishops, by whom it had been persecuted and it regarded the Roman catholics as dangerous to the state; but it was inclined to toleration by its first principles and still more by the circumstances that it was weak and condemned as schismatic and heretic by all other parties.

The parliament itself was far from sharing the fierce doctrinal zeal of the Scottish parliament and general assembly. It wished to deprive the clergy of that power in political affairs which they had gained through the king's favour and to secure the ordinary justice from encroachment, but it did not wish to carry reform much further¹. From its first assembling it received many petitions complaining of the recent excesses of the increase in the companies of the ragged boys for the Lord's day, and of other partisan grievances, and demanding reformation. Far more noteworthy was a petition signed by some 15,000 Londoners and presented to the house in December, which called for the total abolition of episcopacy, the policy

¹ Dr W. A. Hall, in his *English Church during the Civil Wars and under the Commonwealth*, vol. I., ch. 1., throws much light on the falling in preference and the coming into respect to antichristian names.

CHAP. afterwards known as "root and branch"?¹ There followed a long debate as to whether the petition should be referred to a committee, the first debate which betrayed any serious differences among the commons. At length, without expending any opinion on the propriety of the petition, they agreed to make the reference. Many other petitions for change in the Church were received in the following weeks, but the house, being fully occupied with secular business and perhaps daily conscious of the danger of dissolution, was slow to enter upon ecclesiastical affairs.

The parliament had also to consider what should be done with the three armies then on foot; the Irish which it regarded as hostile, the Scottish which it regarded as friendly, and the English which it hardly knew whether to regard as friendly or hostile. A committee of the commons on the Irish army proposed a joint petition of the houses for the disbandment of this dangerous force, and the commons decided to ask the lords for a conference on the subject. English and Scottish commissioners were negotiating a defective treaty of peace, and the Scots demanded that England, besides maintaining their army in the north, should bear a large part of the expenses of the recent campaign. Although they were not popular, the commons, who feared their withdrawal, agreed to grant them "a brotherly assistance," afterwards fixed at £500,000. The English army was also costly. With these expenses and with all his unlawful sources of revenue dried up, the king was in the utmost poverty. The houses, ready to relieve him in such a manner as should not enable him to grant its wishes, voted four subsidies in the course of December, and returned to the consideration of the king's revenue after Christmas, when it learned that no balance sheet had been made out for any year after 1635, and was then obliged to wait for fuller information.

Since the meeting of parliament the king had found himself reduced from almost absolute power to merely nominal authority. Already he began to look abroad for support, and hoped to secure Dutch aid by marrying his daughter Mary to William, son of Frederick Henry, Prince of Orange, whose great talents and services gave him almost kingly power in that republic.

¹ Rushworth, iv., 22.

Headless Mark was still importuning the pope for armed assistance against English heretics. Charles showed a complying temper in some particulars. He announced that the judges should henceforward hold office during good behaviour and not during pleasure. He gave the place of solicitor-general to St. John, one of the foremost advocates of prerogative government, but he still hoped to preserve his royal power undiminished. In January, 1541, he summoned the houses to Whitehall, and while professing his readiness that all matters of religion and government should be referred to what they were in the person of Queen Elizabeth, he warned them that he would never allow the bishops to be removed from the house of lords, or fringo the prerogative of summoning parliaments as he thought proper. Notwithstanding this declaration the bill to regulate the meeting of parliament passed the lords, and, along with a subsidy bill, was tendered for the king's acceptance on February 15. On the following day, seeing no other course open, he gave his assent.

The triennial act of 1541 must be carefully distinguished from the triennial act of 1544. Its purport was not to limit the life of a parliament to three years, but to ensure that the interval between two sessions of parliament should never exceed that period. It provided that, in case three years should have elapsed since a dissolution or prorogation, the lord chancellor or lord keeper should, without awaiting any direction from the king, issue the writs for the meeting of a new parliament. If he refused to do so, he was to be incapable of holding his office and liable to each parliament as the next parliament should hold. In his default, the peers were required to meet at Westminster and to issue the writs. Should the peers fail to issue the writs, each individual peer was required once the loss to attend parliament. The sheriffs were required to hold the elections of members of the house of commons in the same manner as though they had received the usual writs for that purpose, and the persons thus chosen were required to meet within a certain time. In the default of the sheriffs the freeholders of every county and the burgesses of every borough were to assemble of their own motion and to elect their representatives. Any neglect to carry out these provisions and any attempt to interfere with the elections held under them were

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to be severely punishable. No parliament hereafter was to be dissolved or prorogued within fifty days after its meeting without the assent of both houses, nor was either house to be adjourned without its own assent. As a final security, the statute was to be solemnly read once a year at quarter sessions and at the assizes. Thus every possible precaution was taken against the unwilliness of the sovereign to meet parliament. The act was necessary if parliament was not to fall into desuetude, but it made a revolution and it showed in every line a profound distrust of the king.¹

The articles of impeachment against Strafford had been completed and sent up to the lords by the end of January. In spite of the displeasure of the commons, who feared the prisoner too much to be just or reasonable, the lords allowed him more than three weeks to prepare his answer to the articles. On February 24 Strafford was brought to Westminster to put in his answer. Nearly a month more elapsed before the actual trial began on March 26. Not in the memory of living men had there been known a trial so momentous, for Bacon and Middleton had been charged only with breaches of common duty in their several offices, not with any intention to subvert the laws or change the constitution of England. In Strafford's person the king himself was impeached, for, in spite of conventional forms, everybody knew that the acts charged against Strafford had been done to enlarge the king's power and with the king's approval. The danger feared by the king if he should allow Strafford's condemnation, and the danger feared by the whole party of reform if they should fail to secure it, made the trial a political conflict, a mortal struggle between the two highest powers in the commonwealth. Westminster hall alone could suffice for such a trial. It had been fitted with seats for the lords who were to try and for the commons who were to accuse; for the judges and for other persons whose assistance might be needed; and for the spectators, who came in great numbers. A throne had been set for the king, but he preferred to occupy a box provided for the queen, where he could watch the proceedings without being formally considered present.

The case against Strafford was opened by Pym. Its

¹ 12 Geo. I. ch. 2.

realism lay in the attempt to construe a charge of treason out of a multitude of acts which were not treasonable according to the law as then understood. With regard to Stafford's administration of Ireland it was easy to prove instances of systematic contempt for law, but such acts though they might be grave misdemeanours, could not be construed as treason. With regard to England the witnesses were forced to rely upon the language imposed to Stafford in the policy council after the dissolution of the last parliament. They had come to know of this language through the younger Vane who had made a copy of notes taken by his father Sir Henry, the secretary, according to which Stafford had told the king that "he was to do everything that power would admit," and that "he had an army in Ireland which he might employ to reduce this kingdom". They construed these words as advice to the king to use the Irish army in keeping down England, and they founded on the words thus understood a charge of levying war against the crown distinguishing, as we should do, the crown in its technical, from the crown in its natural sense. But here they encountered a threshold difficulty. In order to prove an overt act of treason two witnesses were necessary. The only available proof in the first instance was to be found in the copied notes shown to Pym by the younger Vane who was not a member of the council. His father's original notes had been destroyed in obedience to an order from the king. When the commons had carried their point that petty councillors might be questioned as to what they had said in council, the elder Vane testified to the words, but he was only one witness.

Secondly, the meaning of the words had to be ascertained. What kingdom was meant by "this kingdom"? As Charles was then considering how to carry on the war against the Scots, "this kingdom" might as well be Scotland as England, and since Scotland was an independent state, this construction would be fatal to the purpose of the witnesses. Vane would not take upon himself to say which kingdom was meant. Stafford denied the suggestion of bringing the Irish army to England. Of the remaining petty councillors who had been present when Stafford spoke, all who could be heard, for Laud and Winchback were disqualified as lying themselves under impeachment, testified that they could not remember any proposal by Stafford

CHAP. such as was now alleged. Thus it seemed impossible to prove
II. that the words had been used in the sense required by the impeachment.

Lastly, there was the difficulty of showing that the words, even if spoken at that time, amounted to treason. The law of England knew only of treason against the king and while he remained the real head of the state, the distinction now so familiar between the king in his personal, and the king in his public capacity, was difficult, if not impossible, and had never been clearly made. The law of treason had been stretched and perverted by servile judges in a thousand ways, but always in order to strengthen the living, personal king. When parliament in the fourteenth and fifteenth centuries had brought charges of treason against ministers whose real fault was that, like Stafford, they were believed to exert a malign influence over the reigning king, it had generally, at whatever cost to truth, charged them with acts of treason in the legal and literal sense. To give bad advice to the king, to advise him to break the law or to use an army in slaughtering innocent subjects, might well be wicked, might even at law be a misdemeanour, for privy councillors were always acknowledged to be accountable for advice given to the king; but in that age it could hardly be brought within the received doctrine of treason. The treason charged against Stafford was really treason against the nation.

Stafford reminded his judges that, if he were condemned, no peer could henceforth be safe in advising the king. Labouring, as all accused persons then did, under grave disadvantages and confronted with the best talent of the house of commons, he made a masterly defence. In the oft-quoted words of Whitlocke, who had acted as chairman of the committee for preparing the articles against Stafford: "Certainly never any man acted such a part on such a theatre with more wisdom, constancy, and eloquence, with greater reason, judgment and temper, and with a better grace in all his words and gestures, than this great and excellent person did, and he moved the hearts of all his auditors (save few excepted) to remorse and pity." As the days passed the lords seemed more favourable towards the prisoner, while the commons became more in-

patient, until at length the hours were almost at variance, and on April 10 the lords rose without waiting a day on which to resume the hearing of the impeachment. Stradford himself felt hopeful, but things had happened elsewhere which redoubled in the commons their distrust of the king and their resolution to put parliament at all costs beyond the reach of danger.

The English army in the north was in a bad temper. It had earned nothing but disgrace in the brief campaign of 1640, and it was neglected by the house of commons in contrast with the Scottish army which had to be kept in good humour. Several officers who were also members of parliament, Ashburnham, Pollock, Wilcox, and Henry Percy, brother of the Earl of Northumberland, agreed that they would counsel their comrades to sign a declaration promising to stand by the king, if the parliament pressed him too far. They also empowered Percy to promise him the support of the army in that event. Independently of these officers, Sir John Sackling, a commoner who is still remembered for the dry grace of his poems, and Henry Jernyngham, the peculiar favourite of Henrietta Maria, devised a scheme for gaining control of the army. As it was known that the Earl of Northumberland would gladly resign, they proposed that the Earl of Newcastle should succeed him as general and bring the army to London to assist the king's cause. For lieutenant-general they chose Colonel George Goring, who was well known to the queen, and had lately been appointed governor of Portsmouth. They imparted their plot to the queen who made it known to the king. In the course of Stradford's trial the king, becoming impatient to regain the control of affairs, accepted Percy's offer of help from the army, but bade him confer with Sackling on a combination of the two projects. Percy and his friends would not hear of an immediate march on London nor of the appointment of Newcastle and Goring. Goring, thus baffled of his ambition and void of scruple, revealed the secret to the parliamentary leaders. As he had said that his part in the matter should not be made known, they said nothing to public, but they were fully aware of the danger in which they stood and all the more resolute to push Stradford's impeachment to the uttermost. The grim apostrophisms of the Earl of Essex, "Stone dead hath no fellow," cryptic into words what the majority of the commons felt in their hearts.

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After the proceedings in Westminster hall on the 10th, the fiercest enemies of Strafford, the "ultra-violet" party, so-called, could no longer stomach the delays of the impeachment or the chance that the prisoner might escape after all. They resolved to copy a Tudor precedent and to proceed against him by bill of attainder. Doubts of law and defects of evidence would thus be cured, but at the cost of dropping all semblance of judicial procedure.¹ Pym and Hampden did not approve this course, but refrained as they were, they did not lead the house in the reckless acceptance of that form. The bill was read a first time that very day. Displeased at an attempt to remove out of their court a case already pending there, the lords made known that they would go on with the trial and deliver judgment in due course. The commons replied that they meant, notwithstanding, to proceed with the bill of attainder. They were not, however, united, for Pym and Hampden urged that they were bound in honour to prosecute the impeachment. The house therefore consented to attend in Westminster hall and hear the arguments of Strafford's counsel on the point of law, but would yield nothing farther. On April 25 at the third reading of the bill of attainder was carried by 104 votes to 59, a large relative majority, but less than one-half of the entire house. Selous, the calmest and most judicial, and Digby, hitherto among the most eager of the reformers, voted in the minority. It is remarkable that not only Pym, who despaired of keeping the commons to the impeachment, but Falkland, one of the most candid and scrupulous men in parliament, or indeed in the country, should have voted for the attainder.

In the house of lords the action of the commons had given general offense and a majority of peers led by Bristol wished to spare Strafford's life. But the king did nothing to ingratiate them or to disarm suspicion, while the day lent its weight to the lower house, sending up a petition with 10,000 names attached for Strafford's execution. At length the commons persuaded the lords to consider the bill of attainder, by promising to reply to the arguments of Strafford's counsel as directed to the question whether the bill ought to pass, not to the decision on the im-

¹ Oulton (ib. vol. i) thinks that Hastings and Marston were among the prime movers of the bill of attainder.

parliament. On the 15th the bill was read a second time in the upper house. At this critical moment all that the king and queen did or said was harmful to the prisoner. Charles spoke of going down to Yorkshire to take command of the army. He told the parliament that he would not dismiss the Irish army until the English and Scottish armies had been disbanded. His thought of taking refuge with the queen at Portsmouth, rallying all the forces which could be trusted, and dissolving the parliament. No secrets could be kept at Whitehall, and every rumour found ready credence with a public which lived in habitual dread of popish conspiracy and saw in a papist queen the natural promoter of every reckless design.

After the second reading came the legal arguments on the bill of attainder. Sir John, the solicitor-general, spoke for the commons with a reasoning more easy to understand than is mine. "We give law," he said, "to hares and deer because they be beasts of chase; it was never accounted either cruelty or foul play to knock hares and wolves on the head as they can be found, because they be beasts of prey;"¹ Bristol advised Charles to save Strafford, if it were possible, by procuring never to employ him again. On May 1, accordingly, Charles summoned the houses to his presence and assured them that no one had ever advised him to bring over the Irish army or to change the laws of England, or had asserted in his presence the delinquency of his English subjects. He had resolved that Strafford was swift to serve him even in the office of a constable, and he hoped that a way might be found to satisfy justice without pressing on his conscience. "Certainly," the king added, "he that thinks him guilty of high treason in his conscience may condemn him of misdemeanour." Thus to interpose when a bill was under discussion was unusual and wrong, for it would probably displease the lords and would certainly anger the commons. Almost immediately afterwards Charles tried to regain command of the Tower by introducing a hundred trusty men, but the lieutenant, Sir William Balfour, a staunch Scot, refused to let them enter, and warned the parliamentary leaders.

In the city popular passion broke loose from all control and

¹ *Rotundus, Strafford's Trial*, p. 703.

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a mob, not entirely of the lowest class, came down to Westminster and beset the parliament, demanding for justice and for Strafford's head. The names of the members of the house of commons who had voted against the bill of attainder were posted up at Westminster under the title of "Straffordians, betrayers of their country". Pym declared that the king's interference was a breach of privilege, and moved for a constitution to draw up a protestation binding the members to defend the protestant religion, the king's person, the privileges of parliament, and the liberties of the subject. The motion was carried and the protestation was taken, not only by the commons but by all the protestant lords, after which the clergy and citizens of London were invited to give their signatures.¹ At the same time the lords inspired into the attempt on the Tower and ordered a reinforcement of the garrison. Pym told the commons what he had learnt of the plot to bring the army up to London, whereupon the commons asked the lords to hold an inquiry and to join in a petition to the king that all persons attending the court should be hindered from quitting England. The lords agreed to both requests and the king gave the desired orders. Then came the news that several of the ringleaders in the plot had fled to France the night before they should have been executed by the lords. On May 8 the lords read the bill of attainder a third time by 25 votes to 19. Many peers absented themselves, whether in fear of violence or in despair at the treachery of the court, and some may have voted in the majority for no better reason. The lords also passed a bill sent up by the commons, enacting that the parliament should not be dissolved without its own consent.

In a letter of singular dignity and pathos² Strafford had brought the king to accept the bill of attainder in order to prevent worse consequences. Twice it was passed on his acceptance by deputations from the house of lords and yet a third time by both houses, while outside Whitehall the tumult raged and the walls were beset with an angry throng, accus- tomed to arms. Next morning the besetted king summoned his council, who urged submission. He consulted the judges who declared that they held Strafford guilty of treason.

¹ *Lords' Journals*, iv., 122.

² *Statecraft, Strafford's Trial*, p. 242.

He appealed to the bishops who gave different opinions. At nine in the evening he went to his bed-chamber. "If my own person only were in danger, I would gladly venture it to save Lord Strafford's life; but seeing my wife, children, and all my kindred are concerned in it, I am forced to give way to it." On the following day he signed a commission empowering his agent to be given to the bill of attainder¹ and the bill forbidding a dissolution of the parliament.² "My lord of Strafford's condition," he added, "is more happy than mine." He made yet a last appeal to the houses to spare Strafford, but he had by his own acts killed the confidence which might have aided his entreaty.

Strafford learned with a natural pang that his master had in truth accepted his magnanimous profile of him. "For not your trust in prisons," he exclaimed, "nor in the arms of men, for in them there is no salvation." The execution was appointed for May 12. Finding that he could not see Lord without an order from the parliament, he would not trouble them but sent a message begging the archbishop to be at the window on that morning and to give him the last blessing. As Strafford passed to his doom he looked up, and saw Lord's hands raised in benediction. He died proud and unshaken. An honest mind revolts from forced interpretations of the law and the clamour of the crowd as means of bringing a dangerous man to the scaffold, but Strafford's fate would inspire more compassion could we forget his own readiness to use violence and his own contempt for equity. Foremost of high executive talent, he wanted the temper and insight of the true statesman, and despite a certain magnificence of character he was thoroughly unscrupulous and tyrannical. Charles was grieved to the end by remorse for his part in Strafford's death, and the infinite degradation of his murderer must have increased his hatred of the parliamentary leaders. Nor could they as rational men fail to surmise what he felt and take their measures accordingly.

Upon the necessity of preventing any return to personal government both houses were still agreed. Within the four months between Strafford's execution and the rising of parliament, all the extraordinary courts of justice set up by the

¹ For the text of the act of attainder, see *Endersmuth, iv., 176.*

² *Id. ibid. l., ib. 176.*

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It might seem that the English constitution had been brought almost to its modern form. The king had been divested as thoroughly as law could do it of all power to tax or to put constraint on the subject by means of any arbitrary jurisdiction. He could not defer meeting parliament more than three years and he could hardly hope to do without its help so long. Parliamentary criticism of the government would be certain, regular, and full. In choosing his ministers the king would have to consider before everything else the wishes of parliament, and by an easy transition parliament would gain a virtual power of choice. Such a system might well be beneficial, but it was possible only on condition that the king and the parliament should accept it without reserve and work together with unfeigned good-will. Charles, whose authority had been much smaller and who firmly believed that no restraint upon his authority was binding longer than he thought it expedient, was not likely to practice so much self-denial. Changes of this sort can seldom be effected without a change of the sovereign or even of the dynasty. Still the king might have submitted to

¹ 1st Car. I., ch. 2.

² 1st Car. I., ch. 10.

³ 1st Car. I., ch. 20, 21, and, and so, respectively.

political restraints enforced by an almost unanimous people, CHUR.
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had he not been opposed to the majority of the commons on the question of Church government and ceremonies, where he had a far better chance of making friends and adherents.

Since the presenting of the root and branch petition in December, other petitions for reform in the Church had crowded upon the commons, notably the ministers' petition and remonstrance, signed by 700 or 800 clergymen, complaining of the errors in the Prayer Book, the growth of ceremonies, and the abuse of power by the bishops, but not demanding the suppression of their office. On the question of reforming these petitions to a committee there arose a debate which lasted over February 8 and 9 and revealed more fully the difference of opinion in the house of commons. Almost all the speakers blamed the bishops for the manner in which they had exercised their authority and were ready to divest them of secular functions. But some able men and zealous reformers such as Colpeppes, Deley, and Falkland avowed their attachment to "positive" episcopacy.¹ In March the commons brought up its report and the house resolved that the employment of clergymen in temporal offices was a hindrance to the discharge of their spiritual function and prejudicial to the commonwealth.² A bill to remove the bishops from the house of lords was introduced on the 30th, and after long delays caused by Strafford's trial, was read a third time at the end of May. The lords were willing to deprive the bishops of their voice in the Star Chamber but not of their seat in the upper house. A conference with the commons left them unchanged and they threw out the bill in the beginning of June.³ Their resistance had only heightened the zeal of the commons. There on May 27 a bill was introduced to abolish episcopal government altogether. It probably had its origin with one man who was gradually dying to infirmities, although their religious opinions were not those of the majority, the younger Vane and Oliver Cromwell, but the first reading was moved by Sir Edward Dering, a man now wholly forgotten.

In the discussion of this bill the rift between parties in the

¹ This is, apparently, as it had existed in the primitive Church, when the power of the bishop was supposed to have been lost since its later times.

² Commons' Journals, iv., 100.

³ Lords' Journals, iv., 105.

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issues grew wider and deeper, although the difference was hardly one of principle. Few of the leaders regarded episcopacy as either ordained or enjoined by God. On the one side Pym and Hampden, who had no objection to a reformed and limited episcopacy, supported the bill, partly perhaps in the compensation of the recent shock, but more from the feeling that the bishops were all on the side of the prerogative and would be the most effective agents of that reaction which caused them a perpetual haunting fear. On the other side Seiden also resisted the bill, has observed in his *Talks with a Fool*, "They are equally mad who say that bishops are so *jure divine* that they must be continued; and they who say, they are so *antichristian* that they must be put away. All is as the state wills." Seiden preferred episcopacy to presbytery because he thought it more favorable to learning and somewhat less hostile to freedom of thought. Even men like Calveley, Hyde, and Falkland, who resisted the bill with more warmth than Seiden, would not have said that episcopacy was the only lawful government and certainly did not spare the faults of the actual bishops. The second reading was carried by 139 votes to 208, but the debates in committee were long and strenuous. It was resolved that the bill should include the suppression of deans and chapters and of the ecclesiastical courts. At the same time five wished to set up such a presbyterian system as prevailed in Scotland. Four proposed to vest jurisdiction in a body of commissioners, partly clerical, partly lay, and the house resolved that all the commissioners should be laymen. In July the house was recalled to the care of the world by the king's resolution to visit Scotland, so that the bill never emerged from the committee.

The lords approached the question of Church government in a more conservative spirit. On March 1 they appointed a committee for religious improvement it to consult such learned divines as it thought proper. Williams, who had resigned his freedom soon after the meeting of parliament, was the guiding member. To this committee different schemes of Church government were submitted, the best known being Archbishop Usher's model, in which power was given to synods of the diocese and province, with the bishop and archbishop respectively as presidents. Williams himself had a plan by which every

bishop was to act with twelve assistants, four chosen by the king, four by the lords, and four by the commons. A bill on this principle was brought into the house, read twice, and allowed to drop. None of these mixed forms of Church government caught the public ear or kindled enthusiasm. The authority of bishops remained legally the same until it was swept away altogether.

Although the differences respecting Church government could not be reconciled, men were generally agreed as to the necessity of reorganizing the Church courts. A bill to abolish the court of high commission was brought into the house of commons on June 8. No new court of that description was to be erected in future. No ecclesiastical judge was thenceforward to inflict any pains or penalties on any of the king's subjects or administer any oath whereby they might be required to swear themselves! The bill passed smoothly through both houses and was unwillingly accepted by the king. It was a memorable protest against the medieval conception of a Church enforcing its laws by punishment and of a state putting its powers at the disposal of the Church, exceptions still upheld by a majority of the parliament. The house also passed resolutions with respecting what they held to be superstitious innovations, ordered the communicant-table to be set in the middle of the churches, and sent commissioners into the shires to remove images, pictures, ornaments, and relics of idolatry. A bill to end the ancient practice of pluralities was introduced into the commons in February, 1534, but was baffled by the frequent interruptions of the time. Efforts were made to enforce what the parliament considered the proper observance of Sunday. Through its concern for wandering ministers and for deprived parishes the house of commons was zealous in punishing those whom it regarded as offenders and granting reparations to those whom it regarded as victims. Gradually the parliament came to make itself the direct ruler in the Church as well as in the State, and mainly for the same reason that those in whom the government had hitherto belonged were its enemies. By its Church policy more than by any other part of its conduct it helped to result a following for the sovereign.

¹ 21 Hen. 8, ch. vi.

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The king, instead of chastising the first elements of this party, had many projects of his own. The Scots desired union of religion and freedom of trade with England, and the English desired soldier. Dissension was growing among the covenanters themselves. Moved partly by jealousy of Argyll, partly by a belief that for the good of the nation the crown ought to retain some power, Montrose brought Charles to come among his Scottish subjects and win their loyalty by granting them the free exercise of their religion and by calling frequent parliaments. Hoping to set the Scots against the English and augment the dissent of the covenanters, the king mediated a visit to Scotland. Having rashly declared that to his knowledge Argyll had planned the king's deposition, Montrose with some of his friends was imprisoned in Edinburgh Castle, a token that Argyll's supremacy was not to be lightly shaken. Nevertheless the king persevered in his design. At the same time the queen was trying to get help from Rome by promises of freedom for English Catholics. She also desired to leave England and take, it was said, the crown jewels along with her. In their plans the commons raised so many difficulties that she was forced to remain. She still had hopes of the English army. A paper was to be circulated among the soldiers, thanking the king for all that he had granted to his parliament and offering to defend him against unreasonable demands and popular violence. Daniel O'Neill, an active and intelligent officer, was sent to try whether the generals would march southwards if they were assured of the Scots remaining neutral. But the generals were unwilling to run such a risk, and O'Neill himself fled to the continent on a summons to appear before a committee of the commons for examination as to his part in the first army plot. Like the first plot the second served only to arouse new suspicions against the king.

Suspicion prompted Pym to draft and the commons to adopt ten propositions for the settlement of the kingdom. They included the disbandment of the armies, the delay of the king's journey to Scotland, the removal of councillors who had furthered measures contrary to religion, liberty, and good government, the husbanding of presents and requests from court, and the placing of safe persons about the king's children. To come into the realm as a papal envoy was to be declared treason.

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The militia was to be put into safe hands.¹ A general pardon was to be made out, and a joint committee of the houses was to watch from time to time for the public good. These bold propositions were adopted with little change by the lords, a proof of the extreme distrust which they felt for the king. Charles agreed to the disbandment of the armies and the regulation of Rowall, and, although he would give no promise, delayed while his journey to Scotland. He continued to accept the bills sent up by the houses. In return, parliament prolonged the grant of tonnage and poundage, but only until August 30, the day fixed for the king's departure. At the same time it repeated the demand that the king should discuss his own counsels. The commons impeached Judge Kersley of treason and five other judges of misadventure for their part in the judgment regarding ship-money. They impeached thirteen bishops for having taken part in executing the excois already condemned. One of the number, Wren, Bishop of Norwich, was impeached on a separate charge, for the adoption of unlawful commons and for severities against the puritans. Charles was so eager to go northwards that he offered no resistance. Already he had agreed with the Scotch commissioners that in return for his consent to recent changes in Scotland the Scots would help in restoring him to his full authority.

On the appointed day Charles left London for Edinburgh. Soon afterwards the English army was disbanded and the Scottish army crossed the Tweed. The commons were still so uneasy that they appointed a committee of defence to consider who should be entrusted with the command of the militia. At the same time they made a remarkable precedent. On pretence of giving full effect to the treaty of peace with Scotland, the houses had resolved to send with the king commissioners who should keep a watch on all his actions. The lords chose the Earl of Bedford and Lord Howard of Effrick, the commons chose Armys, Finner, Hampden, and Sir Philip Stapleton. When the lord keeper, Littleton, declined to offer the great seal to their commission, Sir Simonds d'Ewes, a legal antiquary, assured his colleagues that an ordinance of parliament had always carried great authority. Thereupon the com-

¹ *Parliamentary Hist.*, vi., 222.

which more adopted an ordinance empowering the persons named to arrest his majesty in Scotland. The lords assented, and thus the first ordinance of the long parliament was passed on August 20. D'Ewes was mistaken in his learning. The ordinances to which he referred were enactments of the king in council, although often made on the petition of the houses. The new ordinances were enactments of the houses without confirmation by the king.

At this time a reaction in favor of Charles was spreading through England. Abuse once removed are soon forgotten. The people give their hearts more willingly to one man than to an assembly, and reverence for the monarch was a profound tradition with Englishmen. The northern counties had been misgoverned by the Scottish occupation and the whole kingdom resented the heavy pressure of taxes, for within less than a year the parliament had voted six subsidies and a poll tax, a total of £200,000. The constant meddling of the puritans with the habits and amusements of their neighbors offended hundreds of thousands who neither knew nor cared about the arguments for and against conscience or episcopal authority. The multitude is always fickle. That it had once been angry with the king and the bishops was alone a reason why it should in turn be somewhat weary of the parliament. But events which none foresaw soon dispelled this languor, renewed all the old distrust of the king, and gave twice energy and resolution to his opponents.

CHAPTER XII.

THE PRELIMINARIES OF THE CIVIL WAR.

CHARLES used every endeavour to gain popular feeling in Scotland and accepted all the bills presented to him on behalf of parliament. His arts were unavailing against the obstinacies of his Scotch subjects. The army returning from the north was disbanded and all hope of using it against England was lost. Argyle required that no office should be filled without the approval of parliament where he commanded a majority. Among his own order, indeed, the earl was unpopular. A fierce and headstrong aristocracy could not stomach the domination of a single noblesman, resting upon an alliance with the ministers and the common people. Hamilton, whose rank and wealth marked him out as a natural contigopole to Argyle, bent to the force of circumstances and, as Charles bitterly said, "was very active in his own preservation." But there were bolder spirits, notably Montrose, who still cluded in prison. Thrice he wrote to Charles, promising to reveal what concerned his crown and dignity. The third letter which denounced Hamilton as a traitor Charles had before London, the chancellor, and Argyle.

The Earl of Crawford, a catholic who had fought for his religion in the thirty years' war, formed a plan for seizing Argyle and Hamilton, and carrying them off by sea to some secure hold. Should they resist or should their friends attempt a rescue, it might be necessary to kill them. The plot was made known to Leslie, who warned Hamilton and Argyle. Argyle informed the king and the parliament resolved to inquire into the matter. The king proceeded to the parliament house with an armed train, among them several enemies of Argyle and Hamilton, who thereupon professed themselves in danger and fled to Kinross Castle. Charles demanded that

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During the recess England became more and more unsettled. The disbanded soldiers, thrown loose upon the world, as was then the custom, had often turned vagrants and robbers. As the old ecclesiastical structure had broken down and no new one had yet been organised, there was an interval of religious freedom. Harsh and fanatical English people have always been prone to grotesque forms of piety. At a season when the mind was excitedly fixed upon theological topics, this tendency was redoubled. Some became Antinomians in theory, possibly in practice. Sectaries known as Adamites thought it their duty to worship in the garb of innocence. The soldiers, monks, and other craftsmen who set up to preach and pray often gave utterance to what seemed blasphemy or madness. Ill-conditioned fellows took on themselves to execute the resolutions of parliament by breaking committal rolls, throwing down banners, and smashing painted windows. Clergymen who adhered to the former usages in dress and ritual were sometimes mobbed. All who loved the old order were misapprehended, and many who had been hostile to Laud and the bishops began to revolt from the new anarchy.

When the houses re-assembled on October 20, letters giving an account of the Incident roused the suspicion that a stroke of the same kind might be contemplated in England, and the commons asked the lords to join in measures for the safety of parliament. The lords answering, a guard of the Westminster

¹ See Leslie, *Letters and Journals*, i., 391; *Montrose Papers*, p. 299.

members was immediately set. Although the root and branch bill was dropped, a new bill excluding the clergy from temporal authority was introduced. It was a sign of the times that Falkland who had supported a former bill to the same effect spoke against this one. Hyde took part with him, but they had not yet many followers, and the bill passed the commons within two days. The lords seemed ready to reject it, partly because they did not like the interference of the lower house with their constitution, partly because they did not relish these disputes in the Church to which the bill seemed a profane. The sees of York and four others being vacant at this time, the king appointed Williams to be archbishop, and translated two of the bishops under impeachment to Norwich and Exeter. The commons resorted by asking for a conference with the lords, and fixing on November 1 to discuss a remonstrance to the king which had been proposed some months before and drawn up, but laid aside for more urgent affairs. The evidence which had been taken regarding the second army plot was read to the house. It led men to infer that the king had gone northwards in the hope of finding troops to fight his battles, and every suspicion was confirmed by the terrible news which now came from Ireland.

The cause of the Irish rebellion of 1641 was not hard to find. The Elizabethan conquest of Ireland had been so destructive as to hinder a fresh appeal to arms by the children of the soil, but for that very reason it had left the fiercest memories. The Ulster plantation had given birth to a flourishing colony, but it had wrought the greatest injustice to the native proprietors who, whether they were coerced into the less fertile districts or remained as dependants of the new landlords, brooded over their wrongs and sufferings with that patient spirit of vengeance which characterizes the Celt. Other and smaller but still unexpunging wrongs had followed. In a time of deep quiet and without the slightest offence given, Wentworth had planned a large confiscation in the one province where the old Irish race still dwelt undisturbed and had forced it through by the machinery of legal process. Although he had wanted leisure for the actual planting of new proprietors in place of the old, he had taught Irishmen that under the King of England they could never be secure in their patrimony. The

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tanger of the English parliament threatened the Irish with a new danger. Should the parliament become masters of England, it seemed certain that they would seriously endeavour to make Ireland protestant.

While Wentworth ruled in Ireland, the discontented were afraid to lift their heads. Sir Christopher Wandesford, who acted as lord deputy on his departure, died in December, 1639. After Strafford's execution Charles made the Earl of Leicester lord lieutenant of Ireland and, pending his arrival, the lords justices, Sir John Boyle and Sir William Parsons, governed Ireland. Catholics and protestants agreed on the one point of disliking Wentworth's system. A committee of the lords and another of the commons negotiated with the king, who, caring far less about Ireland than about Great Britain, yielded much to them in the hope of quiet or possibly of assistance. The Connaught plantation was given up. Various sources of revenue were abandoned. The catholics began to expect a full toleration. Then the army, for the most part catholic, was disbanded, and the English parliament interfered to hinder the King of Spain from sending 4,000 of the men. Charles sent directions to the Earl of Ormond and Aragon to rally the disbanded soldiers and seize Dublin Castle in his name and by the authority of the Irish parliament. He designed to win the catholics by a promise of freedom for their religion and make Ireland his stronghold against puritans and parliamentarians. Such a plan could not be checked even in the most faithful servants of the crown in England, nor was even a beginning made of execution. But it became manifest that there was really no government in Ireland, while Britain was distracted by quarrels which might at any moment end in civil war. Irishmen might well hope that a general uprising would shake off the foreign yoke, regain the lost lands, and insure full freedom for the catholic religion.¹

As early as February, 1641, the thought of such an uprising had begun to grow. The catholic soldiers of the Pale were still loyal. The first leaders of revolt were found among the Celtic aristocracy. Sir Phelim O'Neil, who regarded himself as head of the great house which had so long ruled in Ulster,

¹ See Carr, *Life of Ormond*, i., 209-211; *State Papers, Ireland*, etc.,

Lord Maguire, who had a personal motive in the dole which weighed on his estate, and Roger Moore, whose family had lost their lands in Queen's County. They looked abroad for supplies of arms, if not for further help. At that time it was easy to find Irishmen, as well as Scotsmen, who had gained experience and renown under foreign standards, and the conspirators hoped to enlist among others Owen Roe O'Neill, a brilliant officer in the Spanish service. In October a number of priests and laymen met at the Abbey of Mullinsham in West-moath to discuss the manner of the rebellion. A few days later the unsuspecting lords justices were warned almost by accident. Lord Maguire and Hugh MacMahon with their followers had come into Dublin, intending to seize the castle the next day. One of the band, Owen O'Connell, was exactly a protestant and contrived to inform the lord justice Parsons, adding, perhaps truthfully, that a general massacre of the English in Dublin and elsewhere was part of the plot. The lords justices were almost without means of defence, but danger enforced prompt action. They visited Maguire and MacMahon, and baffled the attempt on Dublin. The parliament was prorogued and a despatch was sent to the Earl of Lancaster, who still resided in England.

There was no chance of stopping the rebellion elsewhere. The Irish in Ulster rose at once, attacked the outlying garrisons, and expelled the settlers with their families. Whenever the leaders might wish, they could not maintain a half-hearted passivity in whom the hereditary love of man and religion were enkindled by the loss of their lands and the incursions of foreign marauders. Although there was no general or systematic massacre, there were partial massacres in which women and children perished, as well as men. Single murder was everywhere heightened by atrocious cruelty. The fugitives who were spared were often stripped of everything they possessed. Left without food, clothing, or shelter, many starved before they could reach a place of refuge. The survivors who made their way to some English fortress were so wasted by famine and hardship that sickness swept them off in great numbers. According to the most critical estimate some four or five thousand may have been actually slaughtered at the outbreak of the rebellion, and twice as many may have perished in ways less

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died.¹ In the following months also many died either by violence or by prolonged hardship.

In England the actual atrocities were multiplied by rumour. Forty thousand, two hundred thousand, three hundred thousand had been massacred. The contemptuous dislike with which the ordinary Englishman then regarded the Irish was raised almost to madness by the story of savagery and the feeling that at last there was a fair excuse for seizing all the lands of the Irish catholics. So far as men sought any other explanation of the revolt than the savage names of the Irish, they found it in the brutal teaching of the Roman Church. To the puritans of England and Scotland, who saw the machinations of Rome in all their troubles and believed that they were in daily peril from Roman attack, what had befallen in Ireland was not strange, although it was terrible: it only confirmed the suspicions and fears so long entertained; it only threw a light upon much that had remained mysterious. Thus the first general outcry in Great Britain was for prompt, undistinguishing, and fearful vengeance upon the Irish rebels; the next, for protection by all possible means, however severe, against the alien Church which might soon contrive his rebellions and like measures in England and Scotland. All who were thought to be working underground for the restoration of popery became doubly odious; the queen, whose intrigues with Rome for help to her husband in return for favour to the catholics, although not known, were suspected; the bishops, whom the puritans regarded as mere catholic deacons; and the politicians who abetted the king in withholding those ecclesiastical reforms which the house of commons persisted in demanding.

The possibility, therefore, of adjusting religious differences in a reasonable way became fainter through the outbreak of the Irish rebellion. By the same event the political dispute between king and parliament was made irreconcilable. All were agreed that Ireland must be reconquered; but the reconquest would involve raising an army, and as the full proportions of the rebellion became known, men saw that this army must be numerous and that the struggle might be long. The King of

¹ This is Clarendon's estimate (*History*, *ib.* ii.). Cf. Lecky, *History of Ireland*, *ib.* i. First, the most reasonable of contemporary writers, thought that 30,000 were massacred in the first year (*Political History of Ireland*).

England was the captain-general of his people, and the raising and commanding of armies were among his most undoubted prerogatives. But if the king were allowed to rule, and still more to command, the army destined for Ireland, if he were to return victorious at the head of many thousand veterans learned to obedience and to respect, what other power in the state could for a moment be compared to his? And who could doubt but that he would at once return to the method of government which suited his principles and his interests, that he would at once set aside all the restraints imposed by the new statutes, recall his old advisors, and take merciless revenge on all who had opposed his will either in political or in religious debate? If the presence of a superior Scottish army in the north had barely saved the parliament from the beaten and undisciplined English army, what might not be feared from a sole army under the king's command? The parliament, which had met to vindicate the law, was forced to override the law to guard itself against the king. In so doing it made for the king that party which he had never been able to make for himself. The Irish rebellion rendered certain that English civil war which hitherto had been only probable, and not for the last time the injustice of the English towards the Irish recoiled upon their own heads.

Upon the first news of the rebellion the houses voted that 8,000 soldiers should be raised and £50,000 borrowed, and that Leicester should repair to Dublin and carry on the war in person. The Scottish parliament having agreed to help in putting down the rebels, pay was voted for 1,000 Scots to act in Ulster. Pym moved that, if the king would not employ counsel acceptable to parliament, parliament would resolve on some way of defending Ireland, which would centre in its own safety and would pay over contributions to those in whom it could trust. This resolution was vigorously opposed, for that part of the house which dislived the religious views of the majority began to diverge from their political views also. Pym carried his point by 131 votes to 122. The resentment to the king was read in the commons on November 8 and set down for consideration without further delay. This document contained, first, a statement of all that had been done since since the accession of Charles; secondly, a statement of all the reforms

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made by the parliament then sitting), and, lastly, a summary of the reforms still needed to perfect the work.¹ With it went a petition that the king would concur in depriving the bishops of their votes in parliament and granting an indulgence to the parties, but above all would take cognisance in whom the parliament might confide. The Great Remonstrance, as it came to be styled, was inevitably coloured by party spirit, both political and religious, above all by that fixed idea of popish intrigue causing every evil then felt in the three kingdoms, which was so general that even the strongest and clearest minds could not resist the infection. It implied throughout that certain malignant persons, wishing to restore Romanism, had corrupted the bishops, had pushed themselves into the privy council, had abused the king's confidence, and had defamed the members of the parliament. It was intended to justify the parliament in the eyes of the people, but it was certain to wound the king so deeply as to be irreparable now on the ground that he could not be trusted. The debate on the Remonstrance proved the first trial of strength between the two parties which afterwards waged the civil war.

The swift and fearful growth of the Irish rebellion inflamed these feelings which had given rise to the Remonstrance. By November 15 it had passed through committee. On the 12nd the final debate began. The royalist leaders, Hyde, Culpepper, and Falkland, urged that the Remonstrance tended to reopen old disputes and to foment public dissension. Pym and his friends dwelt on the dangers which beset the state and the need for further action. After a long and vehement discussion, lasting from mid-day to midnight, the Remonstrance was adopted by 159 votes to 148. A motion that it should be printed, in other words, that the house of commons should make a direct appeal to the nation, was put off, but Hyde and Culpepper demanded leave to record their protest against the adoption of the Remonstrance. On the refusal of the majority, their friends, stung with anger and disappointment, broke into a tumult. Some waved their hats and shouted, some drew their swords, and it seemed as though the house of commons were turned into the likeness of a Polish diet. With a few apt

¹ Rushmore, 70, 421.

words Hampden recalled the members to order. But the feelings of the house party may be inferred from the temper of the victims. "If the Remonstrance had been rejected," Cromwell said, "I would have sold all I had the next morning and never have seen England any more; and I know there are many other honest men of this same resolution."¹

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Charles reached London on the 15th and was entertained at the Guildhall by the citizens with a splendour which made him confident that they were on his side. In return he promised to restore the lands in Derry whence they had been evicted by the Star Chamber. Almost his first act was to dissolve the guard of the two houses. On December 1 he received the Remonstrance and petition of the commons. He promised an answer after taking time to consider what they offered. The commons, who wished to rule from with the least possible recognition of royal prerogative, adopted a bill giving authority to press soldiers for the war in Ireland, but modestly declaring that the king could not constrain men to serve beyond their own county, save in case of sudden invasion. The peers asked the commons to explain why this declaration had been inserted in the bill. The forward party in the commons returned with a bill for the nomination of a lord-general and a lord-admiral having the explicit authority over the forces by land and sea respectively, the so-called MILITIA BILL. The king told the lords that he would accept the improvement bill, if the declaration against his power were replaced by a clause saving the rights of both parties. The lords at once meeting his interference with a bill yet in their hands, called on him to say by whom information he had acted. A few days afterwards he disclosed Belknap from the post of lieutenant of the Tower and appointed Colonel Louford, a disreputable soldier of fortune.

About the same time he gave his answer to the Remonstrance and the accompanying petition. He asserted his right to choose his own ministers. Protesting that he knew nothing of the wicked and malignant party denounced by the commons, he declared his readiness in matters of religion to concur with the just desires of his people in a parliamentary way. If parliament failed, he would consider the calling of a national synod to

¹ Clarendon, *History*, iv., 28-29; *Verney's Diary of the Long Parliament*, 29, 122-123.

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reform corruption in the Church.¹ By this reply Charles yielded nothing, for he undertook to act only when approached in a parliamentary way, in other words, by the two Houses, which were almost certain not to agree. A national synd would be composed of clergymen mostly agreeing with himself. The commons were displeased with the king on account of his answer and with the lords for refusing to join in a petition that Lansford might be dismissed. They read the address bill a second time and asked the lords to join them in declaring to Charles the danger of the kingdom through the machinations of papists and other ill-affected persons. The city became so rebellious that he had to dismiss Lansford and replace him by Sir John Byron. Lord Dillon, who came to London with the demands of the Irish rebels, was arrested and examined by a committee of the house of commons. What they learnt from him, together with the daily reports of the spread of the Irish insurrection, raised their fears to the height.

The attack on the bishops was accordingly renewed. Petitions for depriving them of their seats in the house of lords had been numerous signed in the city. The mob which frequented the passages of the parliament jeered them, shouted "No bishop!" and maltreated Archbishop Williams. Most of the bishops ceased to attend the house of lords. There were sharp encounters between the populace who held with the commons and the gentlemen, especially the officers out of employ, who resorted to Whitehall. It was during these days of disorder that the party names of Cavalier and Roundhead, afterwards so famous, first became current. The commons, when requested by the lords to join in declaring against riotous assemblies, and in asking the king to furnish a guard, could not bring themselves to condemn the mob which terrified their opponents. Their fears were redoubled when the king announced that he was ready to raise 20,000 volunteers for Ireland, and gave commissions to officers who had downed their swords upon the crowd. The archbishop and eleven bishops drew up a protest to the king and the lords that, having been assailed in coming to the house, and finding no redress or protection, they were unable to attend, and that therefore all resolutions taken in

¹ *Endersbach*, iv., 475.

their absence were null and void. The lords immediately took offence and communicated the protest to the commons as encroaching on the privileges and being of parliament. The commons replied by impeaching the bishops, and the lords placed them under arrest.¹ The commons also petitioned the king for a guard under the command of the Earl of Essex.

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From time to time there had been talk of the king's choosing ministers among the distinguished members of the house of commons. On the first day of January, 1642, Charles offered Pym the post of chancellor of the exchequer. Either he withdrew his offer or Pym refused. He then made Culpepper chancellor of the exchequer and Falkland secretary of state, and caused them to be sworn of the privy council. Hyde, the third leader of the moderate party, declined office, but was taken as a confidential adviser, and the king promised to do nothing without consulting all three. Had this been the first venture towards an understanding between the king and a great party in parliament and the nation, it might have assisted a peaceful settlement.² As Charles almost immediately departed from his promise of consulting with Hyde and his friends, we may doubt if the offer to Pym were more than a personal bribe and the appointment of the others more than a personal reward.

It was believed that the leaders of the majority were preparing an impeachment of the Queen as having conspired against the public liberties and having held intelligence with the Irish rebels. Perhaps on the advice of D'Egby, who had forsaken the reformers for the court, and had been created a peer, Charles took the most summary means to save her, and ordered the attorney-general, Sir Edward Herbert, to prepare articles of impeachment against five members of the house of commons, Pym, Hampden, Holles, Haslerigg, and Scrope. To these was afterwards added one peer, the Lord Kimbolton, son of the Earl of Manchester. They were charged with an attempt to subvert the fundamental laws of England, with inviting a foreign power to invade the kingdom, and with raising tumults in order to compel the parliament to join with them in their treacherous designs, even with actually levying war against the king.³ When Herbert laid these charges before the lords on the evening of January

¹ Clarendon, *History*, iv. 129-31; *Commons' Journals*, ii. 246.

² Clarendon, *History*, iv. 130-31. ³ *Lords' Journals*, vi. 300.

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3, and asked them to sanction the arrest of the persons accused, the house, instead of giving orders to that effect, named a committee to inquire whether he had acted according to law. The commons that morning had received an answer to their petition for a guard. Charles engaged himself solemnly on the word of a king, that their security should ever be his care as much as the preservation of himself or his children. If that assurance should not suffice, he would command a guard to wait upon them. Still dissatisfied, the commons sent to the city to ask that the trained bands might be ready. A little later Pym made known that his study and those of Holfes and Harpsden had been sealed up by the king's orders, and the house immediately resolved that to do this without their leave was a breach of privilege. The serjeant-at-arms having come from the king with orders to arrest the five members, the house named a committee to inform the king that the demand concerned their privileges and needed consideration. With this message the serjeant-at-arms was forced to return.

The lords were so deeply offended at the king's interference that they ordered the studies of the accused members to be broken open, and at length joined the commons in demanding a guard satisfactory to both houses. Instead of giving over his attempt, the king resolved to carry it out in person, but the most of his intention was betrayed. Next morning the commons sent up the articles of accusation to the lords as a scandalous paper. The lords adopted this description of the articles. Urged by the queen, the king hesitated no longer, and at three in the afternoon drove out of Whitehall with some 500 armed gentlemen and servants in his train. Warning was brought and the accused members were told to withdraw. The river was close at hand and they took boat for the city. Charles alighted at the door of Westminster hall, which led direct to the desecrated chapel of St. Stephen where the commons sat. He signed to his followers to remain in the hall, but some eighty, whether by order or not, pressed after him. After sending a message to the house he entered with his nephews, the young doctor palatine, while the Earl of Rothesburgh held the door open and left a view of the armed men in the lobby.

The members rose and stood bareheaded. The king passed

up the house, stood before the speaker's chair and looked round. Finding that the accused were absent, he reminded the house that in case of treason no person had any privilege, and added that he must have them whosoever he found them. As silence ensued, Charles asked the speaker whether any of those persons were in the house. Lenthall, dropping on his knee, replied with grave composure: "May it please your majesty, I have neither eyes to see, nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here, and I humbly beg your majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me." The king paused and said: "Well, I see all the birds are flown. I do expect from you that you shall send them unto me as soon as they return hither. If not, I will seek them myself; for their treason is foul and such as you will thank me to discover. But I assure you, on the word of a king, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other. I see I cannot do what I came for. I think this is no unfit occasion to repeat what I have said formerly, that whatsoever I have done is in favour and to the good of my subjects, I do mean to maintain it." He went out of the house pursued by cries of "Privilege, privilege!" His followers, whose threats and dragging had been heard through the open door, greeted him clamorously. Had the king wished to confine the commons of his intention to make a murderous onslaught, he could not more aptly have designed this scene or disturbed the parts. As soon as the lobby was clear the house adjourned.¹

It is the nature of all such incidents as the attempted arrest of the five members to grave themselves on the mind and to appear even more significant than they are. Yet the attempt and all the circumstances leading up to it were in truth memorable and went far to extinguish the little hope that remained of peace between the king and the parliament. What Charles did he may have believed to be legal, but the legal flaws in his action were grave and palpable. The articles of impeachment in themselves were scarcely a greater straining of the law of treason than the article against Stafford. But the prosecution

¹ *Ballamish*, iv., 471; *Wemy's Memo*, pp. 152-53; *Whitlock's Memoirs*, pp. 22-23; *Clarendon, Memoirs*, iv., 152-53.

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of commoners before the lords, otherwise than on the accusation of the house of commons, was a breach of the ancient rule that every Englishman was entitled to be tried by his peers, a rule erroneously derived from Magna Carta, but certainly observed as sacred for many generations. A personal attempt by the king to arrest was yet another breach of the law, since the subject could have no remedy against him if the arrest proved wrongful. The commons maintained that even a warrant to arrest ought to issue from some person or persons who could be held amenable to the law. They also maintained their right to be satisfied of the reality of a charge of treason before they were asked to give up a member. On this and on other grounds they contended that the attempt to arrest the five members was a violation of their privileges.

The legal objections to the king's conduct were, however, the least weighty. Even the king's invasion of the parliament house with an armed and ill-conditioned retinue was not the most serious circumstance. What mattered above all else was the plain disclosure of the king's feelings towards the majority of the house of commons, their leaders and their work. He had put upon record that Pym and Hampden and their followers were traitors, and that their treasons went back to the very opening of the parliament, perhaps to the opening of the previous parliament. But, if this were so, then all their work was called in question. All the laws of the past year might next be challenged as the effect of duress upon the houses and the king. All the judicial proceedings of the parliament were similarly tainted with suspicion of unfairness. As for the many grave and thorny affairs still under discussion, especially the affairs of the Church, how could they be despatched by the joint action of the king with a parliament whose chiefs he deemed worthy of the gallows and the quartering block? The king's apparition in the lower house made clear to all who had insight, that there was no common ground between the two parties save the field of battle.

The next day after his failure at Westminster the king went in state to the Guildhall to claim the accused members. He was met with silence, broken by cries of "Parliament!" "Privilege of parliament!" and he came back unsuccessful. The commons, having met again, adjourned to the 11th, naming a committee to

at the Guildhall. As soon as the committee met, it declared the impeachment and the warrant for the arrest of the members to be illegal. The king issued a proclamation for their arrest. The committee started with a resolution that the city should provide a guard and name the officers. Two days later Philip Skippon, the captain of the Artillery Garden, a man of humble birth but a stout soldier, was appointed to the command of the city militia at the request of both houses. Such was the display of force on the side of the commons that the king thought well to leave London with his queen and children. On the 9th they withdrew to Hampton Court almost unattended. On the 17th the accused members returned by the Thames to Westminster. The river was alive with armed vessels, the trained bands marched westwards, the whole city appeared to accompany them, and the multitude was swelled by 4,000 freeholders who had come up from Buckinghamshire to show their zeal for Hampton and the parliament. A committee of lords and commons petitioned the king to Hampton Court with complaints of his violation of privilege and demands for the punishment of his advisers, and the temper of the public was so alarming that in a few days he quitted Hampton Court for Windsor.

Civil war seemed so probable that both parties were eager to grasp every advantage in fortresses, arsenals, and the control of the militia. Charles believed himself secure of Portsmouth and hoped to secure Hull, where large magazines had been formed for the Scottish war. He named the Earl of Newcastle governor of Hull, and sent down Captain Legge to take possession. Troops could there be landed from Holland and Denmark. But the parliament had already ordered Sir John Hotham, member for Beverley, to take charge of Hull, and Hotham's son reached Hull long before Legge. Lunsford and other cavaliers assembled at Kingston, and Digby came over from Hampton Court to join them. Then the houses concerted in a general order to the sheriffs to call out the trained bands, suppress seditious assemblies, and secure the county magistrates. On the 21st the commons drew up an ordinance giving the command of the militia to persons who should be named thereafter. As the king was obdurate and the Londoners daily showed greater impatience, the lords agreed to join the commons in a petition that the king would entrust the

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fortresses and the castles to persons in whom the parliament could confide. Next day the lords passed the bill to exclude the bishops from their houses. Charles gave a qualified assent to the petition and promised to drop the impeachment of the five members.

He sought to gain time until the queen had sailed for the continent, where she would be out of danger and might be able to find allies or procure munitions of war. He would then repair to the north, where he hoped by his presence to see Rotham into Westminster Hall. While waiting, therefore, at Canterbury and Dover he yielded much. He gave his assent to the bishops' exclusion bill and to the bill of imprisonment,¹ promised to enforce the laws against recusants, and undertook to refer to parliament questions regarding the Church and the liturgy. The houses were half won by these concessions when an interrupted letter to the queen from Digby, who had taken refuge in Holland, revived all their fears. The commons impeached Digby of high treason and both houses agreed on an ordinance for the militia which they tendered to Charles.² Henrietta Maria sailed from Dover on February 23. She took with her the crown jewels, upon which she hoped to raise a large sum of money, and she expected to obtain help from Holland and Denmark, perhaps from other powers. Charles returned to Greenwich, whether he summoned the Prince of Wales, but declined to remain near Westminster and took his way northwards. Thereupon the houses voted that the kingdom should be put in a posture of defence and named the new lords lieutenant. At Newmarket the king gave audience to the deputation which the parliament had sent with a declaration of its fears and jealousies. When the Earl of Pembroke hinted that he might well grant the militia for a time, he burst out: "By God, not for an hour. You have asked that of me as this was never asked of a king, and with which I will not trust my wife and children."

The commons replied with a resolution that when the houses should declare the law of the land, contradiction was a high breach of the privileges of parliament. About the same time the parliament passed a bill confiscating the lands of high

¹ 21 Car. I., ch. ixviii., and 22 Car. I., ch. xxviii.

² *Lords' Journals*, iv., 383.

rebels to an enormous extent and making them security for a loan to defray the Irish war. Charles gave his assent, yet feared that such severity might render the rebels desperate. On March 19 he entered York, which for the next five months became his capital. Although he had resolved to yield nothing more, he was not in a condition to begin a war, for he was almost penniless, he did not control a single port, and the houses had seized the chief armaments in the kingdom. The public had not yet forgotten his misgovernment and shrank from the thought of civil bloodshed. He was therefore obliged to proceed with caution. When at Greenwich, Charles had granted an interview to Hyde, and had agreed with him that he should remain at Westminster to watch the course of events, especially in parliament, and to keep the king well informed.¹ With every message from the houses to the king Hyde was to send secretly a draft answer which the king was to copy and return to parliament as his own. Hyde clearly discerned the one advantage in the king's situation. Since the houses were lapsing off the ancient, undoubted prerogatives of the crown and making a revolution, it was for the king to sustain the part of one who defends order and true freedom against the caprice of an insubordinate assembly. Himself a lawyer and a practiced parliamentary debater, he was most expert in presenting his own case and retorting the case of an antagonist. Although his style would not seem to our age bold or argumentative, it was weighty and noble. Hyde soon became, and for upwards of twenty years he remained, the foremost statesman of the king's party. He could not solve the contradictions of the time, but he could save Charles from palpable mistakes and teach him how to gain advantages.

There ensued an interchange of long and angry state papers between king and parliament.² Each party distrusted the other profoundly and continued the debate, less in the hope of an agreement than to gain the goodwill of the public. The king complained that the parliament encroached upon his lawful authority, and the parliament declared that he was bound to exercise that authority according to its advice. He announced to the houses his intention of taking personal command in Ireland and levying for this purpose a guard of 200

¹ Clarendon, *Life*, part II.

² Clarendon, *History*, v. *passim*.

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hew and axes-foot, to be armed out of the magazines at Hull. The houses replied that they could not approve of his design, and would not obey any persons appointed to govern England in his absence. When the king refused their request that the conditions of war in Hull should be removed to London, they sent Hotham orders for the removal notwithstanding. Charles resolved on a personal summons to Hotham. On April 23 he appeared before the town and required admission to view his own magazines. Hotham presented himself on the wall with the humblest expressions of duty, but would not let the king enter even with twenty horsemen. The king had to retire after causing the heads to proclaim Hotham a traitor.

Measureless instinctive loyalty, respect for the law, and fear of the unknown were bringing over to Charles many who a year before had been zealous for the parliament. The dread of papist supremacy in the Church wrought even more strongly to the same result. Wishing to remove whatever vested the puritans, the majority at Westminster intended to reform the Church after consultation with an assembly of divines chosen by the parliament and therefore certain to be puritan in temper. Episcopal government and the Prayer Book would inevitably be endangered. At the same time the houses meant to enforce uniformity, and declared that they would not allow every man to worship as he pleased. Those who professed episcopacy and the liturgy were taught how little they could hope from the houses by the imprisonment of some Kentish grand jurors who had offered a petition against puritan innovations.¹ They rallied round a king who shared, and was ready to fight for, their opinions, and with them went the catholics, whose lot would be much harder if the puritans became masters. Wary of a hopeless struggle the king's friends at Westminster made their way northwards in large numbers. Charles directed the lord keeper, Littleton, to remove the courts of justice to York. The houses declared the order unlawful, but Littleton himself came with the great seal. The king was again surrounded by a court and a council, and by his order the Yorkshire gentry attended in arms as a guard for his person. The houses requested him to desist from levying troops, and on June 5 they despatched to York their final demands, the famous *Nineteen Propositions*.

¹ *Stewart's Journals*, i., 301.

The sixteen propositions may be summed in two, that the parliament, not the king, was to be sovereign of England. Thereafterwards the approval of the houses was to be necessary for the appointment of jury commissioners, of the great officers of the crown and ministers of state, and of the chiefs of the courts of common law. The same approval was required for the persons entrusted with the education of the king's children. No marriage was to be concluded for a child of the king without the consent of parliament. No peer made himself was to sit or vote without the consent of both houses. The judges were to hold office during good behaviour. The justice of parliament was to pass upon all offenders. The fortresses were to be entrusted to persons approved by parliament, and the militia ordinance was to take effect until a bill could be passed to regulate the militia.¹ The liturgy and the government of the Church were to be reformed as the houses should advise, and the laws against recusants were to be enforced. Thus the nineteen propositions embodied even more than was won by the revolution of 1688. The king could not be expected to submit to them until he had tried the fortune of war.

Both sides, therefore, hastened their preparations. The king issued commissions of array, placing the militia under the authority of his own officers. With the help of the Earl of Newcastle he secured the town of Newcastle which gave him a communication with the continent. He was disappointed, indeed, of success from Scotland, Holland, and Denmark. He was still so poor that he could not have taken the field but for the generosity of his partisans. The queen, who had raised money by pawning the crown jewels in Holland, despatched a dilapidated army which arrived safely in the Hamber. The houses, on their part, adopted an ordinance inviting all well-disposed persons to contribute money, plate and horses. They appointed a committee of lords and commons to provide for the safety of the kingdom. They voted to raise a force of 10,000 men for active service and appointed the Earl of Essex general. They defined their cause as "the safety of the king's person, the defence of both houses of parliament, and of those who have obeyed their orders and commands, and the preservation of

¹ *Lord's Journals*, v, 22.

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XII. On July 11 the houses declared that the king had begun a war against his parliament, and a few days afterwards they despatched by the Earl of Holland a last petition that the king would accommodate differences. Charles replied by telling the parliament to disarm its troops, restore his fortresses, acknowledge that it could not make laws without his consent, and adjourn to some place outside London. The only reply was a declaration by the houses of their reasons for taking up arms. On August 9 Charles proclaimed Essex and his officers traitors. The houses then denounced as traitors all who should assist the king.

During this exchange of manifestoes the members of the king and of the parliament respectively had been struggling with various schemes to call out the militia and secure the county magazines of arms and ammunition. The parliament had such an advantage in point of wealth that its army was assembling fast, while the king could muster few cavalry and scarcely any infantry. Feeling the necessity of action to call forth the loyal ardour of his subjects, he determined to raise his standard as soon and as near London as possible. With his two sons, Charles and James, his nephews, Rupert and Maurice, and such followers as he could muster, he repaired to Nottingham, where on August 22 the standard was raised in the king's presence and the civil war began.

¹ *London Journals*, vi., 201.

CHAPTER XIII

THE FIRST PERIOD OF THE CIVIL WAR

AT the beginning of the civil war it is desirable to review briefly the composition and the resources of the hostile parties.

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As the conflict was political and ecclesiastical, not economic or social, it did not divide the nation strictly according to classes. On either side might be found men of every rank and of every degree of wealth and culture. It is a mistake to think that the king had no followers save hard-riding and hard-drinking squires. It is a commoner and more instructive error to suppose that the champions of the parliament were a mob of low-born, low-bred, illiterate, and offensive hussies. Nevertheless the interests and the prejudices of different classes tended to range them on opposite sides. Puritanism was especially a religion of the middle class and of the towns. Neither the virtues nor the vices of an aristocracy harmonised with the puritan ideal. Nonconformity, when it is profitable, requires an independence of character seldom found in the lowest class of all. Politically, the aristocracy were drawn both ways. They had something to gain by the further abatement of the power of the crown, but they had more to lose by the advance in power of their inferiors. A great majority of the peers took up arms for the king, leaving barely a score to fight for the parliament. The gentry were less unequally divided, yet much the greater number took part with Charles. On the other hand, the middle class, that is to say, the traders and manufacturers of the towns and a very large proportion of the yeomen, thus so numerous in England, sided with the parliament. Each class drew in its dependents, the nobles and gentlemen their tenants and servants, the burgesses their journeymen and the humbler sort of townsmen, and the clergy on either side those who had come under their spiritual influence.

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The social division determined the geographical distribution of the parties. The eastern and south-eastern counties from Hull to Portsmouth, then the most populous, industrious, and wealthy region of the kingdom, were well-nigh unanimous for the parliament. London was the parliament's sweet stronghold, its unfading source of men and money. The seaports were generally on the same side. So were the clothing towns of the West Riding and of Somerset, although exposed to the full fury of the royalists. In catholic and cavalier Lancashire, Manchester, the one town of note, was unshaken in resistance. When the parliament had lost every other fasthold in the valley of the Severn, Gloucester defended itself with heroic obstinacy against a siege by the king in person. But in the north of England, in Wales and the Welsh marches, and in the wild peninsulas of Devon and Cornwall the royalists soon gained and long kept a general mastery. It might be said that the lands north of the Humber and west of the Severn and the whole south-western region were the king's. There remained a broad middle zone, where now one and then the other party prevailed, according to circumstances, where towns were held for the parliament and castles were held for the king, where sieges were many and raids were incessant. Upon the whole the classes of English society and the parts of England which upheld the cause of the parliament in the seventeenth century were those which in the sixteenth century had favoured the reformation and in the fifteenth century had favoured the house of York, while those classes and those districts which had clung to the house of Lancaster and afterwards to the ancient faith, were marshalled in the cause of the king.

The parliament had a geographical advantage in the war. It drew its main resources from a smaller, more compact, and more defensible area than that which supplied the king. Unity of action and rapidity of movement were less difficult to its generals. In the number of men able to bear arms the ball-brotherhood was not perhaps unequal. But in wealth the parliament was certainly superior. It ruled over the richest part of the kingdom, and, holding almost all the ports, could levy the bulk of the customs. The king controlled only the poorer districts, where the inhabitants, engaged chiefly in agriculture, had little command of money. Many of the nobles on his side

were equal, it is true, and some were generous. The Duchess of Newcastle relates that her lord's house, partly in helping the king, partly through the severity of the parliament, expended £500,000, a sum equivalent to a year's revenue of the kingdom before the civil war. If we distrust a lady's arithmetic, we have the assurance of Lord Herbert, afterwards Marquis of Worcester, that his own and his father's house were almost as enormous. But war cannot long be waged even by the most ample private subscription. The king was soon crippled by want of funds, and forced to levy contributions or even to tolerate the licence of his unpaid troops. The parliament laboured under similar difficulties and incurred similar reproaches, but never to the same degree or with the same fatal effect.

In military organisation¹ both parties were at first equally defective. The sea had spared England the necessity of a regular army and of the administrative staff which it requires. The immemorial principle that every man was liable to bear arms for the defence of the realm remained in vigour. There were recruited the trained bands or militia which at the outbreak of the civil war numbered from 120,000 to 200,000. But the training was so brief and careless that these men were mostly quakers. Only the London trained bands, about one-tenth of the whole, had been diligently exercised; the secret of that good service which they did in the field. Even when the militia had been embodied, they were not liable to march beyond their own county save in the event of a foreign invasion, and as soon as they crossed the boundary, they began to melt away. It was noted as a memorable proof of public spirit that, in the very crisis of the war, the Londoners consented to march one hundred miles from home to the relief of Gloucester.

Both belligerents, therefore, sought to enlist volunteers far superior unrestrained in respect of place. Here, although real for the cause might be equal on both sides, the king was at a great advantage. The gentry were still a warlike class, expert in horsemanship and the use of arms, careless of pay and eager for honour, who infused their followers with something of their own high spirit. But the middle class which formed the main

¹ Professor C. H. Fike's admirable monograph, *Cromwell's Army*, is the best study of military organisation and the art of war in England in this period.

strength of the parliament was possible. Indifference, voluntary. The peasant could not afford to leave his farm nor the tradesman his shop for lengthened service in field or garrison. Hence the recruits of the parliament were such as voluntary enlistment often sets out of a rich community. "Your troops," Cromwell said to Hampden, "are most of them old despoiled serving-men, tapsters, and such kind of fellows."¹ The king's advantage, however, was confined to his cavalry, for gentlemen were not apt to enlist as foot soldiers, and the men whom he obtained for his infantry were certainly no better than those who served the parliament. As the war went on and the supply of volunteers ran short, both parties had recourse to impressing the men they wanted. Neither party was able to pay its troops punctually, and therefore indiscipline and desertion were common, but, since the king was much poorer than the parliament, these evils were most glaring in his forces. Not until the parliament established the New Model were the conditions fulfilled under which every arm and every rank of the service could become thoroughly effective, and then a war which had threatened to become endless was decided in a few months.

Cavalry held a far larger place in the seventeenth century than now. The infantry were armed two-thirds with the musket and one-third with the pike, and musketeers were combined with pikemen to produce the same results which are obtained by the modern combination of the rifle with the bayonet. But the musket took much time to load and had a short range; the pike was long and cumbersome, and the joint force of pikemen and musketeers was unwieldy. Not only were battles often decided by charges of horse, but infantry could not safely march over an open country, a "conspicuous," unless covered by a strong body of cavalry. It was thought desirable that cavalry should form one-third or even one-half of an army. Hence the king's superiority in this arm was, while it lasted, of the utmost consequence. The parliament's forces were better provided with artillery, but, as yet, the cannon played a small part in battles. In sieges the cannon had long been supreme, and on the continent the art of fortification had been wholly renewed since the close of the middle ages. Regarded at the outbreak of the civil war possessed only one or two

¹ Carlyle, *Letters and Speeches of Oliver Cromwell*, Speech 48.

fortresses of the new type, such as Hull or Berwick, and these were held for the parliament. In the course of the war Oxford was fortified by the king on the latest principles. But most of the towns and castles which stood a siege had only their medieval walls and towers, strengthened, perhaps, by some hasty earthworks. They were able to prolong their resistance because the besiegers seldom had a proper train of artillery.

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The first period of the civil war did not produce any great generals. Many officers on either side knew something about war on a grand scale, since they had fought for the Dutch republic, or the King of Denmark, or the King of Sweden, but none of these men can be said to have displayed genius. Dugged courage and fidelity were the best qualifications of the Earl of Essex. Prince Rupert was a swift and daring cavalry captain, but lacked the patience, the self-control, the large intellect necessary for directing a war. Waller, on the side of the parliament, and Hopton, on the side of the king, displayed fewer qualities, but scarcely found an opportunity of testing how much they could perform. The younger Fairfax was showing a hard apprenticeship in the north, Cromwell held only subordinate commands, and Montrose was without employment. On neither side do we find large plans, concentration of forces, or sustained vigour of execution. The struggle is tedious and perplexed in the last degree. Other causes, indeed, beside the mediocrity of the generals tended to this result. The want of funds, the indisciplinability of the troops, the intrenched positions held by royalists and parliamentarians, also contributed to multiply petty local operations which could decide nothing but concerned the strength of both parties.

In the control of the sea the parliament wielded a most effective weapon. Charles had taken a considerable interest in the strength of the navy, but, like his predecessors, he had neglected the welfare of the crews, who repaid him with indifference.¹ The Earl of Northumberland, the lord high admiral, was a somewhat lukewarm member of the popular party. When the parliament in March, 1642, requested him to name the more zealous Earl of Warwick his vice-admiral, he readily obeyed. Charles forbade the appointment and sent a trusty veteran, Sir

¹ Oppenheim, *History of the Administration of the Royal Navy from 1509 to 1815*, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

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John Pennington, to command the fleet. Although a few captains demurred, the seamen generally accepted Warwick as their admiral, and he secured the fleet for the parliament, to which it remained loyal throughout the war. The parliament was thus enabled to protect the commerce of London and other ports, to relieve the coast fortresses, such as Hull or Plymouth, and to embarrass the king's communications with foreign countries. Here and there a ship might elude the watch of its officers, but no large reinforcement could reach the king from abroad.

When Charles raised his standard at Nottingham he could scarcely be said to possess an army, and the forces of the parliament at Northampton were so much stronger and better equipped than his own that by a prompt stroke they might have ended the war ere it had well begun. But they lay still because their general had not yet arrived. Charles was induced to send Lord Falkland and Lord Spencer to the house with an overture for peace which was bluntly rejected, but did him much good in public opinion. Soon he was at the head of a respectable force. He gave the command-in-chief to the Earl of Lindsey, and made Rupert general of the horse and Sir Jacob Astley general of the foot. He bestowed on Rupert the invidious privilege of receiving orders only from himself. On September 20, Essex took up his command and was impatient to advance against Nottingham, for he had 20,000 men. Charles, who had but half of that number, resolved to march towards Wales by way of Derby and Stafford, and recruit in the friendly western shires. He reached Shrewsbury on the 20th. There recruits poured in, although arms remained scarce.¹ Want of money made payment for supplies impossible and the soldiers had to live upon the country. Rupert had learnt in the German wars to set on this necessity, but his methods were apt to turn the common people against the king.

Some of the king's horse under Sir John Byron had for a moment occupied Oxford, and, when driven out, made their way to Worcester, whither Rupert came to their support. Towards Worcester, therefore, the Earl of Essex directed his march from Northampton. The republicans waited long enough to repulse his advance guard in a skirmish at Peckley Bridge but did not attempt to hold the city against his main army. When

¹ *Clarendon, History*, vi., 75.

they had rejoined their friends, Charles could dispose of 14,000 men and felt equal to an offensive movement. Breaking up from Strettonbury on October 12, he marched upon London by way of Bridgworth and Birmingham. In London the alarm was great. Chances were scratched across the streets to break the rash of cavalry, and the parliament gave orders for raising a second army to be commanded by the Earl of Warwick. Essex, leaving a garrison in Worcester, returned to defend the capital. But so cautious were the commanders on both sides that the parliamentarians had reached the little town of Kington in Warwickshire and the royalists the village of Edgworth a few miles distant, before Charles learnt from Rupert how near he was to the enemy. He saw that he must dislodge Essex for attack, and on the morning of the 23d he drew out his army along the steep crest of Edgworth, overlooking the broad vale in which Kington lies some three miles distant.

Welcomed by detachments and with most of his artillery a day's march behind under Hampton's escort, Essex was so inferior in numbers to the king that he could not think of storming the heights. He therefore marshalled his forces a mile or more from the foot of Edgworth, thus constraining the royalists, who were short of supplies, to descend and begin the battle. Lindsey, deeply hurt that the cavalry were not under his orders, had resigned the general command to the Earl of North, and had chosen to lead his regiment into action. According to the practice of that age the infantry of each army formed the centre, with the cavalry on the wings. On the king's right the main body of his horse was massed under Rupert, and the remainder on the left were commanded by Wilton. It was now o'clock in the afternoon when the fight began. In a headlong charge Rupert routed the parliamentarian left and pursued them into Kington, where his troopers fell to plundering the baggage train that choked the street. Wilton swept behind him part of the horse on the parliamentarian right, and followed the chase as eagerly as Rupert. Thus the enemy's centre was exposed and its side secured certain. But Rupert and Wilton forgot to look behind, and the king had no more horse at his call. Essex called his chosen infantry, and Sir William Balfour, with such of the parliament's horse as had not fled, dashed at the centre of the king's array. The royalists were driven in, their cannon

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was for a moment taken, Lord Lindsey was mortally wounded, and Sir Edmund Versey, the standard-bearer, was killed. So suddenly was the fortune of the day reversed that only the return of his horsemen and the early fall of an October evening saved Charles from a total defeat. No trustworthy account of the loss on either side remains, but it would appear to have been heavy on both.

Next day Essex was joined by Hampden's regiments with the guns, but he did not think fit to renew the combat. He fell back towards Warwick, whence he made for London, while Charles continued his march towards Banbury, which surrendered without a blow, and thence to Oxford, which became his capital during the rest of the war. From Oxford he advanced on London without allowing himself to be delayed by overtures for a truce. Essex, however, reached London first and embodied the new levies as his army. The houses gradually claimed Edgehill as a victory by a vote of thanks and a present of £5,000 to their general. At Colchester Charles recovered the scraps of the parliament, whom he sent back with a proposal that Windsor Castle should be surrendered to him, although he would make no cessation of arms. Next morning, November 12, his vanguard, under Rupert, stormed Brentford with serious loss to the parliamentary troops. But then the Londoners, who were alarmed not only by the danger to the good cause, but by the near prospect of a sack, came out in multitudes to reinforce the army of Essex. He took post at Turnham Green with 24,000 men, perhaps double the numbers of the king. The royalists presently quitted Brentford, and soon afterwards Charles retired to Reading, where the negotiation was renewed without effect. He took up his winter quarters at Oxford, secured by a circle of garrisons, Reading, Wallingford, Banbury, and Marlborough. Communication with the west was free, for Worcester had been abandoned by the parliamentarians. The Earl of Forth, who was subsequently created Earl of Brentford, succeeded to the command-in-chief of the king's army.

At the beginning of the war Charles had given the Earl of Newcastle a commission to act as general of all his forces in the north of England. The earl was prompt and active, but could ill brook the drudgery of command. He had the courage which makes light of death, but not the fortitude which can sustain and

repair defect. The friends of the parliament in Yorkshire chose for their general Ferdinand, Lord Fairfax, and the parliament ratified their choice. As most Yorkshiremen were averse to domestic war, the parties concluded a treaty of neutrality, but this was promptly disallowed by the house. Thereupon Fairfax mustered his friends and forced the royalist gentry to take shelter behind the walls of York. By straining all his influence and wealth Newcastle succeeded in assembling 4,000 men before the end of November. He then invaded Yorkshire from Durham, defeated the younger Riches at Pierce Bridge, overran the North Riding and raised the blockade of York. After defeating Fairfax at Tadcaster on December 5, he seized Pontefract and cut off the West Riding from Hull, the base of the parliamentarians in Yorkshire.

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In the south-west everything at first went well for the parliament. Before raising his standard the king had sent the Marquis of Hartford to act as his general in that region. The marquis gathered a handful of men with whom he attempted to hold Sherborne Castle. On the approach of a parliamentary army, under the Earl of Bedford, he disbanded his force and crossed the sea into South Wales. Sir Ralph Hopton with a few friends saved Pendennis Castle near Falmouth, but all the rest of the county was controlled by the parliamentary committee at Launceston. Its members proceeded to Bodmin where they formally indicted Hopton and his followers at the quarter sessions as disturbers of the public peace. At Bodmin they were surprised to meet Hopton himself, who displayed his commission as the king's general, required the obedience of all good subjects, and persuaded the grand jury to find a true bill against the Launceston party for assembling in a riotous manner. The Commissioners rose in answer to his call and swept the parliamentarians out of their county. Beyond its bounds the militia would not march, but Hopton, with the help of Sir Basil Cornewall and a few other gentlemen, raised 1,500 volunteers, invaded Devonshire and left to the parliament nothing save the walled towns. Thus at Christmas, 1642, the king's situation was very different from what it had been three months before. Then it seemed doubtful whether he could wage war at all; now he was master of half the kingdom and the confidence of success was with his men, not with the forces of the parliament.

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In the pause of active operations the parliament sought to organise more effectively those parts of England which it controlled. Hitherto it had entrusted administration in each shire to a committee of friendly gentry. But the shire was too small an area for the purpose, and the committee might easily be thwarted by the king's friends if they were at all numerous. The parliament, therefore, decided, where possible, to group several counties under one committee. A number of midland counties were thus grouped in the midland association. Soon afterwards, Norfolk, Suffolk, Essex, Cambridge, and Hertford were combined in the eastern association, which bore a notable part in the later events of the civil war. In its service Cromwell first proved his capacity. His aid for the cause of the parliament he had already shown. He had made a present of arms to the townsmen of Cambridge; he had intercepted the university plate on its way to the king, and he had saved a troop of horse with which he rode in the charge that redeemed the day at Edgehill. When the eastern association was formed, he went home to make his troop a regiment. He selected recruits on the principle which he had urged to Hampden of getting "men with a spirit that is likely to go on as far as gentlemen will go," men of religion to face the men of honour. In those parts he found the men he wanted. "I have a lovely company," he wrote to a friend, "you would respect them did you know them; they are no anabaptists, they are honest, sober Christians."¹ He became colonel of the regiment which he had formed, the famous Ironsides, and before the close of May proved himself the best leader of horse in England.

The unfortunate course of the war and the taxations imposed by ordinance to support it chilled many supporters of the parliament. Even in London multitudes called for peace. The house of lords agreed on propositions for a treaty and the house of commons resolved to negotiate. On February 1, 1645, the parliamentary commissioners opened that negotiation with the king which is known as the treaty of Oxford. Among the propositions which they tendered, three were of the highest moment. The houses required that the king should assent to the bill abolishing episcopacy and to such other bills for settling

¹ *Cromwell, Letters and Speeches of Oliver Cromwell*, Letter 200.

of Church government as they should adopt after consulting with an assembly of divines. They required the king to settle the militia in such a manner as should be approved by both houses. They also required that the king should leave delinquents to a legal trial and the judgment of parliament. But as these heads Charles would never yield so long as he had any hope in arms. Believing episcopal government a matter of divine ordinance, he could not agree to its suppression. Claiming the power of the sword as his unquestionable prerogative he would never make a gift of it to parliament. Interest, honour, and conscience forbade him to abandon under the name of delinquents those who had shared his distress, executed his commands, and maintained his cause with purse and sword. He therefore ignored the propositions of the parliament and advanced others of his own, for the restoration of his revenues, ships, and fortresses, the recall of unlawful acts done by the houses, and the passing of a bill to preserve the Book of Common Prayer from the attacks of the sectaries. He added, indeed, a vague offer of indulgence to be shown to tender consciences. The parliament could not accept such proposals, unless it were ready to sacrifice everything for which it had hitherto contended. No progress therefore was made in the treaty of Oxford. Unwilling to resign all hope, the houses instructed their commissioners to treat for a cessation of arms which would allow more time to negotiate a settlement. Even this could not be obtained, and in the course of April the commissioners were recalled.¹

During the negotiation the war on the whole went in favour of the king. The parliament sent the Earl of Stamford into Devonshire with a force which compelled Hopton to quit the county. Ruthven, the governor of Plymouth, pretended to invade Cornwall on his own account. But the Cornishmen rose again, under Hopton and Grenville, to defend their native soil, and defeated Ruthven on Braddock Down, near Liskeard, on January 15, 1643. Then they invaded Devon a second time, driving Stamford and his troops before them, and threatening Plymouth. In February, a force from Oxford stormed Carmarthen and subdued all Gloucestershire save the capital. Other de-

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¹ *Standaish, Memorials*, pp. 27-28; *Rothwell*, v., 28, 29.

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tachments occupied several midland towns such as Lichfield, Stafford and Tamworth, thus opening a communication with the Earl of Newcastle. In the north Newcastle began the year by sending Sir William Savile to subdue the West Riding. The men of Bradford and Halifax, with the help of some troops from Hull, commanded by young Sir Thomas Fairfax, defeated Savile and made the real retreat to York although they were not strong enough to profit by their victory. The queen, who had been busy in Holland paying the crown jewels and purchasing arms and ammunition, set sail for England in February, and reached Bridlington Quay, whence she was escorted to York by the Earl of Newcastle.¹ There she negotiated with Sir Hugh Cholmley, governor of Scarborough Castle, whom she persuaded to desert the parliament. Sir John Hotham and his son began to waver in their fidelity, and gave no help to the Parliament. At the beginning of March, Lord Fairfax was driven back upon Leeds, where he was presently blockaded by the royalists.

When the treaty at Oxford had ended, Essex with the main army of the parliament marched from Windsor to invest Reading. The town was neither strong nor well provided, and surrendered on April 27 after a siege of twelve days. Its capture opened the way to Oxford, but Essex found that his men, whose pay had fallen into arrears, were not in a good temper. When this grievance had been redressed, sickness broke out, and Essex could not move until he had been reinforced. He fixed his headquarters at Thame, and occupied the village of Wheatley near Oxford, but he neglected the precautions which every general should observe when close to an active and enterprising foe. On the night of June 17 Rupert sallied from Oxford with a party of horse to attack a convey of treasure coming from London to the headquarters. He missed his prey, but cut up some small detachments exposed in outlying villages. At length the alarm spread, and the parliamentarians gathered on his rear. On Chalgrove field Hampden, with a few troopers, overtook Rupert and tried to hold him in play until reinforcements came. After a sharp skirmish Hampden was mortally wounded and his men were scattered. Rupert regained Oxford without hindrance, while Hampden made his way to Thame almost alone. He

¹ *Lives of Elizabeth Works*, ed. by Mrs. Evelyn Dean, p. 155-56.

ingered in much pain until the 24th. The week seemingly seemed to him in his last moments as if it were only in a late and spinous narrative.¹ It is enough that he died as he had lived for his country. In him the parliament lost perhaps its best and wisest leader. Yet we may think him fortunate in his death, for even if he could have devised the only possible terms of reconciliation, he could not have induced the warring factions to accept them, nor could he have found a strong place under that arbitrary rule which became the nation's last resource against anarchy. sickness again thinned the army of the parliament, and Essex fell back to Aylesbury and thence to Brick-hill, near London, while the queen with a large convey of men and ammunition reached Oxford unopposed.

In the north of England the Puritans continued to struggle gloriously but vainly against the growing force of Newcastle. On May 21 Sir Thomas Fairfax surprised Wakefield and took 1,400 prisoners, but was not strong enough to hold the town. No help could be got from the eastern counties, which feared a royalist invasion for themselves, and the last hope of the parliament in the north was almost extinguished by the treachery of Hotham and his son, who had resolved to surrender Hull, the one impregnable fortress and the one port through which men and supplies could be introduced from the sea. The Hothams, however, considered so much rapine that they were arrested and sent to London, although not tried and executed until many months afterwards. In June Newcastle, with 20,000 men, again invaded the West Riding. On the 30th the Parliament at the head of an ill-armed and ill-disciplined levy gave him battle on Adwalton Moor, not far from Bradford, and suffered a total defeat. They made their way to Bradford and thence to Hull, where Lord Fairfax was welcomed by the citizens as their governor. Thus Hull was saved, but the West Riding was lost, and Newcastle controlled all the lands north of the Humber. He next attacked Lancashire, sending a strong body of horse under Charles Cavendish, to threaten Gainsborough, where Lord Willoughby of Parham commanded for the parliament. Sir John Meldrum, the general of the eastern association, and Colonel Cromwell marched to its relief and it

¹ Printed in the *Continental Magazine* for 1833; see Professor Firth's article on Hampden, *Dictionary of National Biography*.

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Newcastle's main force, which took Gwentworth and Lincoln
and overran almost the whole of the county. It seemed likely
that the earl would invade the marches of the eastern association
and even try an advance on London.

In the south-west of England the royalists were also vic-
torious. The parliament had raised Stamford's army to 7,000
men, but these forces were useless to a general whose only
qualifications were rank and wealth. Hopton and Gren-
ville, though they had not half his numbers, attacked him
near the village of Stratton, in Cornwall, close to the Devon
border, on May 16 and gained a decisive victory. After this
brilliant feat of arms Hopton invaded Devon a third time and
overran the whole county save a few seaport towns. The king
felt strong enough to detach a body of troops under Francis
Maurice and the Marquis of Hertford, which effected a junction
with the Cornish army at Chard. Sir William Waller who,
with small means, had gained much reputation on the Welsh
border, was recalled by the parliament to the defence of Somers-
et, but could not do more than cover Bath. He occupied
Lansdown Hill, which rises steeply behind the city. On July 5
the royalists attacked here, and, pressing up Lansdown, in
despite of cannon and musketry and charges of horse, estab-
lished themselves on the top, although with heavy loss. Two-
thirds of their cavalry were killed or wounded, and the brave
Grenville was among the dead. Under cover of the night
Waller retired into the town. As the royalists had neither
men nor ammunition sufficient to besiege him there, they de-
termined on marching to Oxford and joining the king.

Waller was strong enough to follow and harass their rear, and
when they reached Devon he took his post on Roundway Down
and barred their further progress. It was resolved that Maurice,
with the cavalry, should make a bold push for Oxford, while
Hopton, with the infantry, should do his best to hold Devizes
until Maurice with fresh forces could come to his relief. Be-
fore a general assault could be delivered, Maurice returned from
Oxford and occupied Waller's old position on Roundway Down.
Waller had to resign it if he would contain the siege. In
the ensuing battle, fought on the 17th, he fled with his cavalry,

and his industry were all killed, wounded, or made prisoners. The parliament had no other force which could keep the field in the west. Rupert joined the victors with a reinforcement from Oxford and invested Bristol. The city itself lay in a hollow easily commanded from the surrounding heights. It had been enclosed with lines nearly five miles in extent, but they were unfinished and weakly manned. Supplies were scanty and some of the citizens were hostile to the parliament. The governor, Nathaniel Prouce, owed his advancement, not to military skill or experience, but to family connections and talent for debate. On the 26th Rupert ventured a general assault, and, before it could be pushed home, Prouce surrendered Bristol. He was afterwards sentenced to death by a court-martial for his failure in duty, but his life was spared. The capture of this large and rich city, the second resort of the kingdom, seemed to forebode the complete subjugation of the west of England by the king.

At a time when almost every quarter announced defeat and loss of territory, the houses were alarmed by the discovery of a dangerous plot in the capital. Among the rich and even in the parliament were some secret partisans of the king. Charles issued to certain citizens a commission of array, empowering them to raise forces for his service. Edmund Waller, the poet, then a member of parliament, acted as intermediary between the citizens and those of his colleagues who were in the secret. On an appointed night the royalists were to meet, seize the lord mayor and the leaders of the commons and open the gates to a force from Oxford. But evidence was found, which led to the arrest of Waller and his brother-in-law, Toppin, on May 31. Waller was visited with such abrupt terror that he offered to disclose everything. His evidence proved fatal to Toppin and another accomplice, Chaloner, who were executed on July 5, but he so ably interested the house in his own behalf that he escaped with a fine of £50,000. The discovery of the plot re-kindled the spirit of resistance. The members of both houses entered into a covenant to maintain the cause of the parliament against the king until the popish, then in power, should have been brought to justice, and the lords agreed to the ordinance for holding an assembly of divines, which they had hitherto opposed.

An effort was also made to increase the revenue. From the first the parliament had found that the taxes levied in

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time of peace were insufficient to meet the expenses of the war. It announced an intention of making delinquents, in other words, the king's followers, answerable for those expenses; but this resource would not avail until it had gained the victory. At the close of 1642 it imposed a direct tax, first on London and then on the whole of its territory, and this taxation became permanent. A certain sum-total was fixed for the monthly assessment; the parliamentary commissioners fixed the contribution of each county and borough, and the local authorities fixed the share to be paid by each individual. Direct taxation, however, did not prove adequate. In March, 1643, Pym proposed an excise upon articles bought and sold. Such a tax, although familiar in Holland, had never been imposed in England and was so unpopular that the house rejected his motion. But the need of money became so urgent that an excise ordinance which also increased the customs was passed in July. About the same time it was resolved to put a much greater number of men into the field. The army of Essex was to be reinforced, so that it could take the offensive again. A second army was to be levied and entrusted to Sir William Waller for the defence of the home counties. The infantry of the eastern association was to be raised to 30,000 men, and the Earl of Manchester, formerly Lord Kimbolton, was appointed general there, in order that his rank if not his talents might ensure unity of action. As there was no likelihood that the armies of Essex, Waller, and Manchester could be brought up to their full strength by voluntary enlistment, the house, on August 10, passed an ordinance for impressing recruits.

These vigorous resolutions could not be executed all at once, and meantime the king might order the advance upon London of three armies—his own, the northern, and the western, a movement which, if it took effect, would decide the war. It was avowed by the unskillfulness of his followers to go far from home so long as any danger threatened there. The Cornishmen, who had marched victorious halfway across England, would no longer leave their country open to raids from Plymouth. Newcastle, whom the king had rewarded for his services with the rank of marquis, was recalled northwards by the necessities of the Yorkshiremen, who feared incursions from the garrison of Hull. The Welsh levies would not cross the Severn

so long as the parliament held Gloucester. Concentration thus became impossible, and no large plan could be executed. The Commissioners returned home. Prince Maurice, with the remainder of his army, was sent to subdue Dorset, and soon conquered the whole county except the seaports of Poole and Lyme Regis. He then relieved all the fortresses of the parliament in Devonshire save Plymouth. Newcastle, on September 2, began the siege of Hull. The king had invested Gloucester on August 10. So prosperous did his cause still appear that several lords at this time forsook the parliament for the king, among them Holland, who, finding himself distressed and outnumbered at Oxford, stole back to London in the autumn.

Gloucester was without regular defenses, and had a garrison of only 2,500 men, ill supplied. Massey, the governor, has been suspected of treachery to his employers. Charles could still muster 8,000 troops for the siege, but remembering the heavy loss at Bristol, chose to make regular approaches rather than try the fortune of an assault. The besieged took the offensive in frequent and successful sallies. Day after day passed without any sign of surrender, while the parliament, aware that the fall of Gloucester would be followed by an attack on London, strained every nerve to form an army of relief, and was heartily supported by the ministers and the citizens. Beside the pressed men, six regiments of the London-trained bands agreed to march for the deliverance of Gloucester. On August 25 Essex set out from Colchester, and with the reinforcements which he gathered on the way was soon 15,000 strong. Leaving Oxford to the south, he marched over the Cotswolds, where the royalist cavalry under Rupert and Winnet hung on his flanks and tried to head him back. Charles, who was too weak to give him battle, broke up the siege on September 5 and retreated towards Taunton and thence to Exeter. There remained in Gloucester only three barrels of powder.

Essex entered Gloucester on the 8th, and halted there a couple of days while the citizens renewed their supplies. To remain longer was impossible with an army such as he commanded and to return was difficult, for Charles could concentrate his forces to bar the way. Marching towards Tauntonbury, as though he would again pass north of Oxford, Essex turned suddenly southwards and captured Gloucester, where he found

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a magazine of provisions which he needed extremely. Then cutting the open "campain" of the Cotswolds, he plunged into what Clarendon terms "the deep enclosed country of North Wilts," struck the great road which leads down the valley of the Kennet, and pushed on for London. Charles, although he had been outnumbered by Essex, did not despair of cutting him off. Rupert's cavalry came in contact with the parliamentarians on Aldbourne Chase and headed them back towards Hungerford, while Charles, with the main body, planted himself at Newbury. Essex took up his headquarters at Ekehorne Street about three miles to the south-west. Both armies encamped across the downs which rise between the Kennet to the north and the Ekehorne brook to the south. Towards Newbury and the south this down was largely open common, but farther west and especially as the slope towards the Kennet it was cut up by enclosures and copses.

As supplies of food were running short, Essex had to cut his way through or surrender. The king, who could afford to wait, should have remained on the defensive. On the morning of the 13th, the parliamentarians began to move. But the royalists by a series of errors were the first to attack. On the left Rupert hurled himself in vain against the London regiments. On the right, the royalists, having allowed the enemy to seize heights which commanded their position in the low ground by the Kennet, were forced to attack uphill, if they would not retreat. Led by Sir Nicholas and Sir John Byron, they charged again and again, making a little way at a heavy price, for the soldiers of the parliament departed every hedge. In the center, noted lanes and enclosures, the conflict was long and stubborn, but at length Essex remained master of the ground as far as the open heath. When darkness fell victory was still doubtful. Both armies had suffered severely, but the parliament lost no officer of much note while the king lost some of his noblest followers. The generous Falkland, despairing of peace and unable to witness any longer the sufferings of his country, had sought and found death early in the action. The Earls of Carnarvon and Sunderland had also fallen. The battle must have been renewed the next day had not the royalists exhausted their ammunition. In the night Charles drew off his forces towards Oxford, and at morning Essex resumed his march

towards London. The king's troops occupied Reading, and thus was the one result gained by their supreme effort at Newbury.²

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The Londoners, who had fought so well, could no longer be spared from their callings, and the army of Essex fell back into its former weakness. Perhaps three-fourths of the kingdom were at this time subject to Charles. The king and the houses had for some time been endeavouring to draw help from Ireland and from Scotland respectively.

In Ireland the avowed intention of the English parliament no longer to tolerate catholicism and its vast scheme of confiscation, together with the unwise cruelty of the lord justices, had long since united in arms the whole Roman catholic population, not merely the pure Irish who wished to be independent, but also the Anglo-Irish, who only desired freedom for their religion and security for their estates. By the summer of 1643 the English and Scots were confined to a few fortresses with the adjoining districts. The insurgents proceeded to organise themselves. In May, an assembly of clergymen and laymen met at Kilkenny, and resolved to form a supreme council. When the supreme council met it appointed Thomas Preston, a colonel in the Spanish service, to command its forces in Leinster. Owen Roe O'Neill, who landed about the same time on the shores of Lough Swilly, needed no commission to give him authority over the men of Ulster. Preston was confronted by Ormond, who had lately been raised to the rank of a marquis, and commanded the king's forces. O'Neill was opposed to the Scottish army under Mount. With inferior discipline and organisation the Irish had the advantage of numbers, and in spite of defeats continued to gain ground on their enemies.

The general assembly of the confederate catholics, which was in all but name an Irish parliament, met at Kilkenny on October 24, the day after the battle of Edgehill. It proclaimed freedom for the catholic religion and restored the Church lands to the catholic clergy. Without ordaining any general confiscation of the estates of the soldiers, it sequestered the rents of all landowners who were hostile or neutral. It did not demand national independence, but took as its motto on its seal, "Irish-

²Clarendon, *History*, vol. i, 207-222; May, *History of the Long Parliament*, 161-16, ch. 21; Whitelocke, *Memorials*, pp. 12-20.

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men unanimous for God, the king and the country'. The policy thus suggested was that of the Anglo-Irish nobility, and might not have satisfied all the Irish catholics in the event of final success. The general assembly wished to earn the favour of Charles, and Charles might well desire to conclude them, as he could then employ in England the troops fighting for him in Ireland, and possibly Irish troops also. Few will now blame him for not adopting the conciliatory policy of the parliament which threatened to make the Irish war endless. But throughout his Irish negotiation Charles justly incurred the double reproach of unwisdom and dishonesty: of unwisdom, because he would lose far more than he could ever gain by employing Irish catholic troops in his English quarrel; of dishonesty, because he must have known that he could not keep any promise of religious equality made to the Irish catholics. More than once he consented to sacrifice Irish interests altogether if he might recover his own authority in England. The temptation was doubtless severe and the circumstances were such that an upright and straightforward policy was well-nigh impossible.

In January, 1643, Charles, who would not allow Leicester to go to Ireland, empowered Ormond and others to confer with the Irish leaders and to report on their demands. The meeting of commissioners from both sides took place at Trim on March 17. The Irish tendered a remonstrance of grievances, citing with the demand for a free parliament, unfettered by Poynings' Act. If this were granted, they would send 12,000 men to the king's assistance. Charles was unwilling to go so far, but found an advantage in prolonging the discussion. In April he authorised Ormond to treat for one year's cessation of arms, and in July he consented to offer the Irish a free parliament. The confederates were divided among themselves. While the Anglo-Irish nobility welcomed the king's offer, a large part of the clergy, led by Seaneve, the papal legate, and the old Irish of the north, led by O'Neill, felt that the king, even if he wished, would never be allowed to grant their full demands, and that their best hope lay, not in negotiating with him, but in recovering the whole country, so that whichever party prevailed in England would have to acknowledge an independence which it could not undo. In this they were right, but both sides were so desirous of the cessation that it was concluded on September 15. The king and the con-

submitting respectively were to keep what they actually held, and the Scots, under Blanes, were to have the benefit of the cessation if they chose to come in; but if they stood aloof, Ormond was to remain neutral while they were attacked, or even, if the king consented, was to help in attacking them. The supreme council undertook to find £50,000 for the royal troops which were to pass into England. The terms of a definitive peace were to be discussed at Oxford between the king and the agents of the supreme council. Thus closed the first period of the Irish rebellion.

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The Scots had no part in the events which led immediately to the outbreak of the civil war in England, but they could not be indifferent to the issue of the conflict. If the king should regain by arms his full authority in England, he would certainly proceed to regain his full authority in Scotland. If the English puritans were vanquished, the Scottish Kirk would not long remain presbyterian. As soon as it became clear that the king would not be easily overcome, the Scots commissioners at Oxford urged him to accept their mediation on the basis of a common government and discipline for the Churches of both kingdoms. Charles refused, and at Hamilton's suggestion tried to raise a party against Argyll at home. Montrose went to the queen at York, assured her that the Scots would before long send an army to help the parliament, and proposed to foment a war by raising a war in Scotland.¹ Hamilton prevailed with the king to reject his offer. The government of Scotland, growing more and more alarmed at the king's success, denounced a convention of estates to meet on June 22, and the king, on Hamilton's advice, offered no hindrance. It also published papers showing that some of the royalist nobles had laid a plot to rise for Charles with the help of catholic troops from Ireland. The convention sent copies to the English parliament, which resolved that it would seek counsel of the Scots, and invite them to send representatives to the assembly of divines at Westminster on July 1. After the defeat of Adwalton Moor and Roundway Down, it went further and agreed to ask the Scots for an army. Two peers and four commoners were entrusted with

¹ *Walsley, Sketch of Montrose, ch. ix.*

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this commission, but the peers named took no part. Of the commissioners the younger Sir Henry Vane was the ablest and the most distinguished. They were assisted by two ministers, Stephen Marshall and Philip Nye, for it was certain that the negotiation would turn largely upon ecclesiastical matters.

The conference which began at Edinburgh on August 3 soon disclosed a want of mutual understanding. The Scots would rather have appeared in England as mediators than as allies of either party. When they found that the English commissioners required military aid, they resolved to impose upon England their own system of Church government and discipline. The English did not dissent to the condemnation of episcopacy, but some of them at least favoured congregational independence which would be rigorously repressed under the Scottish system, and all disliked the layatorial jurisdiction awarded by the Church courts in Scotland. At last the Scots tendered an agreement on the model of their own national covenant, whereby the people of both countries bound themselves to uphold the true protestant religion in the Church of Scotland, to reform religion in the Church of England according to the example of the best reformed Churches, and to bring both into the nearest conjunction and uniformity. As the English commissioners dared not refuse outright, Vane thought him of an amendment which might reserve some freedom to his countrymen. There was to be a reformation of religion in England according to the Word of God and the example of the best reformed Churches; an addition which might seem edifying and insignificant, but by referring the matter to each man's interpretation of "the Word," left it altogether indefinite. That episcopacy should be abolished in England, that the privileges of both parliaments and the liberties of both kingdoms should be maintained, that the king's authority should be preserved, and that heretics and malignants should be brought to justice, were matters readily accepted on all sides.¹

About this time Montrose came to the king who lay before Gloucester, told him that he had been offered the command of the army which the Scots were about to send to the assistance of the parliament, and repeated the advice that a diversion should be attempted in Scotland.² Charles, for once over-

¹ Rushworth, v., 478.

² Wilson, *Death of Montrose*, ch. vi.

scrupulous, refused the offer and gave Hamilton a new proof of confidence by making him a duke. The Solemn League and Covenant, having been approved by the general assembly, was ratified by the convention of estates on August 17. In London the assembly of divines which had lately met approved it and the covenants extended its scope to Ireland. When it had passed both houses, the commons and the members of the assembly of divines swore to the Solemn League and Covenant on September 25. Somewhat later the few peers who still lingered at Westminster swore to it also. The Scottish convention of estates then took measures to raise an army, on the understanding that the English parliament would contribute £50,000 a month to its support. The Scots became entitled by treaty to require a thing as mischievous to attempt as it was impossible to execute; namely, the freeing of England and Ireland under the presbyterian yoke. This was to be done without harming the person or infringing on the authority of a king who abhorred presbytery. England was to remain a monarchy, but poor with the monarch was rendered hopeless.

Before the Scots could enter England some months elapsed, during which the fortune of the war remained doubtful. In the east of England the parliament prevailed. The Earl of Manchester took Lynn, the only town in Norfolk held for the king; Lincolnshire was added to the eastern association. On October 21 Cromwell routed at Winceby a considerable body of horse and dragons, which had invaded the county from Newark. On the same day the garrison of Hull made a successful rally, which deprived the Marquis of Newcastle as much that he raised the siege. The city of Lincoln surrendered to the parliamentary forces a few days afterwards. But the armies of Essex and Waller remained too weak for an offensive movement. The king's troops coming back from Ireland were embodied in two new armies, destined the one to attack the north-eastern counties, the other to clear the enemy out of Cheshire, Shropshire, and Lancashire. Hopton took the command of the first army. The better to withstand him, the counties of Hampshire, Surrey, Sussex, and Kent were united in a south-eastern association, of which the defence was committed to Waller. Hopton began his advance early in December, found on op-

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position in Hampshire and took Arundel Castle on the 9th. But Waller surprised and captured a large detachment of his men near Alton, and forced him to retreat. Arundel Castle was retaken in January. Lord Byron, who commanded for the king in Cheshire, was more successful than Hopton, and by the close of the year had almost expelled the parliamentary forces.

The parliament sustained a heavier loss in the death of Pym on December 8. Although Pym fills an ample space in English history, it is hard to form a vivid conception of the man. Of his private life we know almost nothing; of his speeches we have few and meagre reports; nor are there any memorable statutes which we can ascribe to his genius. His power over a popular assembly and his sagacity in meeting difficulties and dangers as they arose are beyond question. This great revolutionary chief began with seeking to preserve rather than destroy. He arose to vindicate the ancient liberties of England and the protestant religion. He set himself against the king and the bishops because he thought that they had endangered these inestimable treasures; but he was not in any other sense the enemy of monarchy or of episcopacy. By the force of circumstances he was driven to propose those limitations on the power of the crown which were only adopted after a second revolution and a change of dynasty, as he was driven to agree with the Scots for a presbyterian reformation of the Church, which was not desired by the nation and could never be completed. Like many wise men at that time who rejected the principle of persecution, he thought that neither Roman catholicism nor anything which he held to approach it could safely be tolerated. He desired to maintain uniformity in religion tempered by indulgence to persons more rigid than himself. It is doubtful whether he could have mediated successfully between the principles of the Scots and the principles of the independents, in other words, between the authority of the parliament and the demands of the army. Perhaps we may turn him, like Hampden, satirists in his death; but the house of commons never found such a leader again, and the superiority, not of force only, but of wisdom passed to the military chiefs.

CHAPTER XIV.

THE SECOND PERIOD OF THE CIVIL WAR.

CHARLES had summoned all members of either house who had left Westminster or would consent to do so on promise of pardon to meet in a parliament at Oxford; and most of the peers and about one-third of the commons were ready to obey his summons. On January 20, 1644, the king opened the session in Christ Church hall. It lasted nearly three months without any effect upon the course of the civil war. The assembly at Oxford tried to open a negotiation with the houses at Westminster, which was not even begun, as they would not allow it the style of a parliament. It could only vent by declaring that the lords and commons sitting at Westminster and all who abetted them were traitors. It granted the king an excise, but vexed him with many petitions of details. Finally it was prorogued by the king on April 26. At Westminster, the deaths of Hampden and Pym left Vane and St. John leaders of the house of commons. Of these two Vane was little more than thirty years of age and St. John was about forty-five. Neither was truly in sympathy with the mass of the puritan members. Vane, the friend of Cromwell and Milton, was in politics a republican and a democrat, and in religion a mystic, averse to Church establishments and desirous of a large toleration. St. John mostly favoured the independents and, as the events showed, was indifferent to monarchy. But Vane and St. John alike could practice an active reserve while making themselves necessary by their talent and zeal; and both could sway the house to the best advantage, for both were resolved on a vigorous prosecution of the war, the one thing immediately needed. An ordinance constituted the famous committee of both kingdoms, consisting of seven peers and

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fourteen commanders, together with the four commissioners who represented Scotland. It had full control of the war, and of negotiations with foreign states, but it was to make no cessation, or treaty with the king, save by the express order of both houses. Among its members were found all the chief captains of the parliament from Essex to Cromwell; but, as they were usually away on active service, the civilians determined its resolutions, which in consequence were sometimes ill-judged or ill-timed.¹

The intervention of the Scots weighted the balance of war heavily against the king. Hitherto he had gained ground, partly because he acted on a strategic plan superior to the ill-considered measures of the parliament, partly because his cavalry were, as a rule, more effective than the cavalry opposed to them. Henceforward he was overmatched in strength, and the territory from which he could draw men and money shrunk and divided. Only the divided councils of his enemies enabled him to reach another winter without total ruin. On January 19, the Scottish army, commanded by the Earl of Leven, began its passage of the Tweed. As it was 11,000 strong, the royalists of Northumberland could not meet it in the field, and fell back on Newcastle. The Marquis of Newcastle turned from the southern to meet the northern adversary, but could bring no more than 1,000 horse and 2,000 foot. Step by step he was driven towards York, while the parliamentary forces pressed up from the south to take him in the rear. The younger Fairfax reinforced Sir Thomas Browne, the parliamentary commander in Cheshire, who had been losing ground to Lord Byron. They marched to the relief of Manchester, then besieged by Byron, and routed his army, taking 1,500 prisoners. Among these was Colonel Monk, a stout soldier of fortune, destined by his shrewdness and freedom from conviction to a memorable career. The royalists were thus thrown on the defensive in Cheshire, the towns of the West Riding, always staunch to the parliament, were freed from the last danger of attack, and the East Riding was speedily recovered by the elder Fairfax.

The fortress of Newark, which alone broke the line of communication between the capital and the advancing Scottish army,

¹*Commons' Journals*, iii., 320; *Earls' Journals*, ii., 422.

was closely beleaguered by the troops of the eastern association, under the command of Sir John Meldrum. To save it, Rupert set out from Oxford with a handful of men. Taking a circuitous route through Shrewsbury and Chester, he gathered reinforcements as he went, and on the morning of March 21 he was in sight of Newark. Enclosed between Rupert's force and the garrison rallying from the town, the besiegers had to surrender on condition of retiring without their arms or artillery. Rupert pushed on and regained the city of Lincoln, but lacked the strength either to retaine in Lincolnshire or to march against the Scots, and returned perforce to Wales, where he strove to raise men and supplies. His departure allowed a free course to the Fairfaxes who stormed Selby on April 11, making upwards of 1,500 prisoners. A little later Hewarcliffe took refuge in York, and the Fairfaxes joined Lazen and the Scots, in order to form the siege. About the same time Montrose, who had at length received a commission in the king's lieutenant-general and had been created a marquis, invaded Scotland with a small force, but was speedily driven back across the border.¹

In the south Charles was hardly less unfortunate. He had reinforced Hopton's army and ordered him to renew the invasion of Hampshire. Waller defeated Hopton at Chertton near Alresford on March 29 and relieved London from all apprehension in that quarter. It was then resolved that Essex and Manchester should join their forces for an attack on Oxford, while Waller marched westwards to relieve the parliamentary garrisons. But the armies of Essex and Waller were far below their intended strength, and Manchester was delayed until May in expelling the royalists from Lincolnshire. Money was scarcer than ever, and much time was lost in wrangling between the houses. At length the committee of both kingdoms decided that Manchester should remain in the north, and that Essex and Waller should act against Charles. The king was so weak that he demolished the works of Reading and embodied the garrison in his army. A few days later he abandoned Abingdon. The parliamentary generals might then have begun a siege of Oxford, but they had never been on cordial terms, and preferred to act separately. In order to cut off Oxford from the west, they

¹ *Wheeler, Death of Montrose, ch. iii. and iv.*

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agreed that Essex should strike round to the north and cross the Cherwell at some distance above the city, while Waller, keeping to the south, should cross the Thames at Newbridge and so rejoin with Essex. Essex failed to make good his passage over the Cherwell, although Waller seized Newbridge and crossed the Thames. Charles by a skilful feint brought Waller back to Abingdon and then, under cover of night, left Oxford with 3,000 horse and 1,500 musketeers and crossed the Cotswolds to Worcester; but his condition still seemed desperate, for Essex and Waller were following from the east, while other armies threatened him from north and south. Again he was saved by the parliamentary leaders, who agreed that Essex should march to the relief of Lyme, leaving Waller to deal with the king. Thus the attack upon Oxford became impossible and the advantage of numbers possessed by the parliament was entirely lost.¹

Seizing the opportunity, Charles at once returned to Woodstock and reinforced himself with every man who could be spared from Oxford. Then he marched on Buckingham, whence he could threaten the eastern counties or London itself. To bar his advance, the parliament sent Major-General Brown with a force of trained bands hastily raised in London and the adjoining counties. Charles lost time in hesitation until the approach of Waller forced him to turn away from London towards the north-west. The two armies came in contact near Banbury. On June 29, as they marched up the Cherwell, on opposite sides of the stream, they joined battle, almost by accident, at Croxedy Bridge, and Waller was defeated with the loss of his guns and many prisoners.² Shortly afterwards he effected his junction with Brown, only to suffer a worse disappointment, for his militiamen melted away when the immediate danger to their own homes had passed. Even the Londoners would not stay with their colours, and the trained bands of Essex and Northford believed in such a cautious belief that the general pronounced them only fit for a gallows here and a hell hereafter. With the few men left Waller retreated to Abingdon. His army had ceased to exist, the army of Essex was far away in Devon; Oxford was safe for

¹ *Myers's, Diary of the Marches of the Royal Army*, pp. 34.

² *Ibid.*, pp. 2222.

the rest of the year, and the king might assume the offensive and march whither he would. CHAP.
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While the king's cause prospered thus in the south, it met with irreparable disaster in the north. There the event of the war hung upon the relief of York. Rupert, on his return from Lincoln, had striven to form a fresh army, but weak followed weak before he was ready to take the field. On May 18 he left Shrewsbury with a few thousand men. He first marched towards Lancashire, where the Countess of Derby was gallantly defending Lathom House against a parliamentary force commanded by Rigby. On Rupert's approach, Rigby retired towards Bolton. Rupert stormed Bolton on May 28 and killed or took most of the defenders. Going on he took 4,000 cavalry, chiefly men whom Newcastle had sent away from York when the investment was about to begin. Rupert then took Liverpool and almost cleared Lancashire of the parliamentarians. On June 3 the Earl of Manchester brought the troops of the eastern association to reinforce the besiegers of York, which was already in distress. Rupert still lingered in Lancashire to collect every available man, and it was not until June 18 that he crossed the Pennine Hills. On July 1 the allied commanders abandoned the siege of York and took post on Marston Moor, between that city and Knotsborough, with the intention of giving Rupert battle. Rupert shunned an encounter, crossed the Swale and Ouse and reached York that night. Next morning he met Newcastle, while the allies, hurrying for the eastern counties, began their retreat by way of Tadcaster and Calverley.¹ Rupert who bore instructions from the king, supplying that he must fight the allies after relieving the city, told Newcastle that he intended to fight at once. Newcastle advised delay and, it should seem, with good reason. But Rupert, young, high-blooded, and quick by favour and nature, was not apt to practice self-denial or to wait upon occasion, and secured the march by alleging a positive and absolute command from the king to fight the enemy.

He therefore pressed forward in pursuit. Sir Thomas Fairfax, Cromwell, and David Leslie, who commanded the parliamentary rearguard, were forced to call for help from their superiors, with the result that the whole army returned to

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its position on Marston Moor and formed in order of battle. Lord Fairfax's infantry, with a reserve of Scots, held the centre; the line was prolonged to the right by the remaining Scottish infantry, and to the left by the infantry of the eastern association. Lord Fairfax's cavalry, with three regiments of Scottish horse, composed the right wing, which was commanded by the younger Fairfax. The left wing consisted of the cavalry of the eastern association under Cromwell, and three regiments of Scottish horse under David Leslie. The whole amounted to some 15,000 men, the greatest force ever arrayed on a battlefield in the civil war. Rupert's force did not, perhaps, exceed 13,000 men. It would appear that Byron commanded the cavalry on the right. The cavalry on the left was commanded by Goring. Lord Byron, who had acted somewhat as chief of the staff to Newcastle, led the central body of foot. In their rear a small reserve of horse was led by Rupert, for whom, as general-in-chief, that situation was convenient.¹ Rupert brought his line close to that of the enemy, as if for instant attack, but was persuaded not to begin the battle so late in the day, for it was about six o'clock. Then, assuming that nothing more would happen, he sat down to supper. The marquis retired to his coach to smoke a pipe, and many of the soldiers prepared to take their ease like the generals.

It was a fatal oversight, for the parliamentarians were at length ready to engage. Cromwell charged and overthrew the first line of the royalist right. Rupert hastened to the rescue, but when Leslie came up to support Cromwell, the cavaliers, after a fierce struggle hand to hand, turned and fled. On the other wing, Sir Thomas Fairfax was less fortunate. The difficulties of the ground defied the force of his onset, and although he and a few men plaved through the hostile ranks they were not broken. Goring gave the counterstroke with such vigour that he drove Fairfax's troops off the field, and his men pursued the chase until they fell upon the baggage train, when they dispersed in plunder. In the centre the infantry of the two armies waged an obstinate and doubtful contest. At length Lord Fairfax's men and most of the Scots gave way. The parliamentary line had been cut in two, and perhaps a half of the parliamentary

¹ See Firth's paper on Marston Moor, *Transactions of the Royal Historical Society*, N.S., vii.

troops, with Lord Leven and Lord Fairfax, were in full flight, when the battle, to all seeming lost, was saved by Cromwell's clear glance and swift resolution. The troops of the eastern association, horse and foot alike, had been victorious in their own part of the battle. At Cromwell's word the whole mass wheeled round across the moor and fell on the royalist flank and rear. The infantry assailed those regiments which were leaving down the South. The cavalry pushed farther towards the royalist left. Goring's men were returning, but slowly and in disorder. Cromwell and Leslie charged home and routed the cavaliers on the very ground where less than two hours before they had routed the parliamentary horse. The king's infantry were then left to contend alone against enemies closing all around. Newcastle's gallant regiments, the renowned Whitworts, drew together in a fenced field where they long withstood charge after charge. When at last their ranks were broken, they refused all offers of quarter and fought desperately hand to hand against overpowering numbers, until no more than thirty remained alive. Their devotion was glorious to themselves but unavailing for their cause. Night fell on the total overthrow of the king's army.

Seldom has so brief a battle been so murderous as the battle of Marston Moor. Rapart lost 3,000 men slain, besides many prisoners and all his artillery and baggage. Newcastle, who had fought against his will and would not return to court a broken man, hastened to Scarborough and took ship for the continent. With him went Lord Elyton and other officers. Rapart with all the cavalry that remained, about 4,000 men, left York and returned to Shrewsbury to seek fresh means of continuing the struggle. A fortnight after the battle York was surrendered by the governor, Sir Thomas Glemham. Then the victors paraded their forces in order to complete their work. Leven marched northwards to besiege Newcastle; the Fairfaxs undertook to reduce the fortresses still held for the King in Yorkshire; and Manchester returned into the territory of the eastern association. By the battle of Marston Moor the king lost all the lands beyond the Humber and was thrown on the defensive for the rest of the war; yet a few weeks later he won a brilliant success which cheered the drooping spirits of his followers and delayed his final ruin.

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After relieving Lyme and occupying Weymouth, Essex remained Exeter, where the queen had taken refuge and had given birth to her youngest daughter, Henrietta, afterwards Duchess of Orleans. Still weak in health she desired a safe-conduct to visit Bath, which Essex refused, although he offered to escort her to London. She declined and made the best of her way to Falmouth whence she sailed for France. On July 12 Charles set out from Exeter in pursuit of Essex. A fortnight afterwards he reached Exeter and was joined by Prince Maurice with the troops which had besieged Lyme. Essex at Tavistock, far from his base and followed by an army at least equal to his own, was in extreme peril; yet he allowed some of his officers who had estates in Cornwall to persuade him that he might easily conquer that county, and pushed on to Bodmin. Once more the Cornishmen rose for the king, who was counting up fast to their support. Conscious of his danger Essex made for Lostwithiel, where he would be near the sea, and sent messages to parliament begging that Waller might be ordered to attack the king's rear. But Waller was too remote and too weak for offensive action. The king occupied the heights above Lostwithiel and Felman fort overlooking the narrow entrance of Fowey harbour, through which Essex hoped to resolve himself. When the parliamentarians had exhausted their supplies, it was resolved that the cavalry should try to break through the king's lines, while the infantry fell back on Fowey, there to embark, if it were possible. Shortly before dawn on August 31, Sir William Balfour with 1,000 horse, not undisciplined but almost untried, passed through the king's quarters and took the road to Plymouth. The infantry, less fortunate, were entangled and cut off on the short but difficult march to Fowey.¹ Essex stole away in a boat to Plymouth, and Skippon, the second in command, surrendered on condition that his men should be allowed to depart without their arms. Whether from reluctance to shed blood or from the difficulty of feeding his own army and his captives, Charles thus threw away the fruits of the most complete victory which he ever won.

For the time, however, the parliament was left without a force able to take the field. Essex's infantry was useless until

¹ *Speed's Diary*, pp. 494B.

It should have been re-armed. Waller with a small body of horse was at Farnham in Surrey. The army of the eastern association in Lincolnshire numbered hardly 6000 men. Sick-ness and want of pay chilled the temper of the rank and file. The chiefs were divided by incurable schisms. The Earl of Manchester was an indifferent soldier and a staunch presbyterian. He had no heart to fight the king and he was perturbed at the growth of independency among his men. Cromwell, his lieutenant-general, longed for action and denuded a presbyterian settlement. He avowed that he wished to see none, but independents in the ranks of the eastern association, and could as readily draw his sword against the Scots as against any of the king's party. He dispraised nobility itself and declared that he hoped to see never a nobleman in England. In these circumstances the army of the eastern association lay at Lincoln nearly two months, doing almost nothing and becoming daily less effective. Charles determined to return eastwards and relieve two fortresses besieged by the parliamentarians, Barbury and Basing House, which had been long and gallantly held for him by its owner the Marquis of Winchester. His strength was grievously reduced, for most of the Cornishmen would not follow him out of Cornwall, and he detached troops to blockade Plymouth, Lyme, and Taunton. Even the soldiers that remained were often difficult to pay and feed.

In order to hold back the king, the committee of both kingdoms sent Waller forward to Shaftesbury with all the horse available, ordered Manchester to march to his support, and took measures to reorganise and equip the army of Essex, which lay around Portsmouth. Manchester reluctantly obeyed, but when he came to Reading would go no farther, because he wished to return and cover the eastern counties from the incursions of the garrison of Newark. In the beginning of October, therefore, Waller abandoned Shaftesbury. Manchester, who had been reinforced with five city regiments, at length advanced to Basingstoke, where he was joined by Waller. Two days afterwards Essex arrived from Portsmouth with 5000 men. In presence of the combined force, 15,000 strong, the king could not attempt to relieve Basing House, and after providing for the relief of Barbury, he resolved to keep on the defensive. The parliamentarians might have overthrown him had they been pro-

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perly led. But the committee of both kingdoms, unable or afraid to name a commander-in-chief, entrusted the army to a council consisting of the three generals, several officers, and two civil members of their own body. Such a board has rarely won a campaign.

Although Essex was disabled by illness, the council of war resolved to seek the king and fight him wherever he should be found. He had taken a position near Newbury between the Kennet and the Lambourn. The meeting of these rivers protected his front. Beyond the Lambourn his flank was covered by Donnington Castle and an detached outpost at Shaw. In the rear Prince Maurice held the village of Spenn. The whole army did not much exceed 15,000 men, but it was so well posted that the council of war would not attack front to front. They decided that a part of their forces under Balguy and Skippon, assisted by Waller and Cornwall, should make a long flank march round Donnington Castle and assail the republicans in the rear at Spenn. At the sound of their cannon Manchester was to attack Shaw and so divide the forces of the enemy. On the afternoon of the 17th the fight began. The soldiers of Balguy and Skippon delivered their attack boldly, carried the village of Spenn and took several guns. Manchester failed because he would not move until the evening was almost spent. The second battle of Newbury thus proved indecisive, but Charles was not strong enough to await a second attack. Leaving his heavy guns in Donnington Castle, he retreated under cover of the night to Wallingford and thence to Oxford, where he was joined by Rupert with 5,000 men from the west. After bestowing on Rupert the command-in-chief, Albemarle held by the Earl of Denbigh, he came back to relieve Donnington Castle and remove his artillery. He offered battle to the parliamentarians, who were so much thinned by sickness and desertion that they would not accept it. He then retired without their daring to pursue, and closed in honour and safety a campaign which had opened with every likelihood of his overthrow.

The king might ground new hopes of those dissensions among his enemies which daily became more notorious. The Scots had gained ground during the virtual toleration resulting from the civil war. They were the nerve of the army of the

western association. The prowess of Cromwell and his veterans as Marston Moor had taught them to know their strength and cherish their freedom. The misconduct or misfortune of the presbyterian and aristocratic generals, Essex, Waller, and Manchester, tended to depress their party. On the other hand, the Scottish alliance gave new strength and fervor to the presbyterians. All parties were kept on the alert by the belief that a reconstruction of the English Church was at hand, and every difference was accentuated by the debates of the assembly of divines. That assembly was not, indeed, like the Scottish general assembly, a governing body, it was merely consultative, destined to enlighten parliament, not to legislate. It contained ten members of the house of lords and twenty of the house of commons. The Scots had eight representatives in the assembly. The English divines were almost all staunch presbyterians, but a few, such as Burroughs and Goodwin, without professing to be independents, were enemies of any extreme Church government, and were in fact the spokesmen of those who disliked presbytery. The assembly first entered on a revision of the thirty-nine articles. Then it proceeded to discuss Church government and discipline. The debates were long and laborious. From the summer of 1644 onward the Scots became bitterly hostile to the sectaries as the chief obstacle to uniformity between the two Churches. The sectaries dreaded the presbyterian domination so much that some of them would gladly have treated with the king on the basis of a general freedom of conscience.

A personal quarrel gave point to the abstract controversy. The campaign ending in the second battle of Marston had disclosed the lack of unity, vigour, and intelligence among the parliamentary leaders, and Manchester had been the most ineffective of all. He had avowed his own indifference to the war. "If we beat the king ninety and nine times, yet he is king still, and so will his posterity be after him; but if the king beat us once, we shall all be hanged and our posterity made slaves." Cromwell in the house of commons accused him as the prime cause of failure. Manchester in the house of lords defended his own military acts and denounced Cromwell as an enemy to the nobility and to the presbyterian system, quoting Cromwell's bitter words against the Scots and the assembly of

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divides. The commons showed an instinctive sympathy with their own member and referred Cromwell's charges to a committee. The lords took Manchester's part and the Scots gave their support to the lords. Discerning in Cromwell a foe as predatory more dangerous than Charles, the Scottish commons secretly debated with the presbyterian leaders and the Earl of Essex whether he should not be presented at an inquest. They were advised that success was unlikely and the matter dropped, but it came to Cromwell's knowledge.¹

It was clear that the war should either be ended by treaty or waged on a different basis. Peace was desired on both sides, for both felt exhausted by their efforts. But neither party was prepared for those terms on which alone peace was possible, and a new negotiation proved as fruitless as those which had gone before. In November the houses adopted propositions, embracing the familiar topics of religion, the militia, and the delinquents, which were carried to Oxford on the 20th. There was no likelihood that Charles would accept them. To the parliamentary commissioners he said: "There are three things I will not part with, the Church, my crown, and my friends; and you will have much ado to get them from me". Nevertheless the king and the parliament agreed to name commissioners for the settling of a peace. More fruitful than negotiation was the attempt to form an effective army and to find generals with whose military success overrode political scruples. The one need was satisfied by the new model; the other by the self-denying ordinance.

In November the counties most anxious for the cause, the eastern association, declared that they could no longer bear the burden of their army and entreated the houses to find a remedy. The commons referred the petition to the committees of both kingdoms with directions to consider of a force or model of the whole militia. After long deliberation the committee resolved that the army ought to consist of 20,000 men and that its pay should be secured by regular monthly taxation. This army, distinct from the local levies which would still be needed for local service, was to be available for service anywhere. It could be kept under discipline, because it would be

¹ *Whistler's Remains*, pp. 121-22.

paid with punctuality. The necessary taxes were to be levied on the counties least vexed by the war and therefore least able to bear a new burden. An ordinance embodying these resolutions was adopted by the commons on January 11, 1642, but the lords received it coldly, as if they feared that the new army would be democratic and anti-protestant in temper.

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For the same reason the lords were frankly hostile to the self-denying ordinance. Its origin was almost accidental. The commons appointed to examine the charges which Cromwell and Waller had brought against Manchester sent up a report stating in general terms that the chief causes of distress were pride and contentiousness. In the debate which followed Cromwell declared that the public were accusing members of both houses who held high commands of prolonging the war in order to prolong their own greatness. This, the chairman of the committee, moved the exclusion of members of either house from all office as command, civil or military, during the war. Vane seconded the motion, which seemed impartial as between the officers concerned in the late disputes. On this motion the first self-denying ordinance was framed. It went up to the lords on December 19, but there it was sharply attacked. Unbroken tradition recognized the peers as the military leaders of the people. Pride, fear of extreme councils, and distrust for the sectaries, as well as the natural hesitation to change almost all the generals in the midst of a doubtful war, moved them to reject the ordinance. The commons retorted by threatening to press the inquiry into Manchester's conduct and by naming Sir Thomas Falcott commander-in-chief and Skippon major-general. The place of Northamptonshire was left vacant, but there is little doubt that it was designed for Cromwell. The houses had nearly come to an open breach.¹

At this very time the confirmation and execution of Archbishop Laud showed how vain was the hope of any real understanding between the parliament and Charles. Down to the autumn of 1642 Laud had remained in the Tower, forgotten, if right were, by his enemies. The Solemn League and Covenant entered his doors, for it gave the Scots power to justify their hatred. In March, 1642, the archbishop appeared at the

¹ *Commons' Journals*, vi, 26; *Lords' Journals*, vii, 192.

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lay of the lords. He was charged with treason in attempting to change the religion and the fundamental laws of England. The trial was drawn out until October, yet it could not be proved that Laud had committed any treason known to the law. As in Strafford's case, the peers sought doubtful what judgments to give and the enemies of the accused had recourse to popular pressure. They presented to the commons a petition for Laud's execution. The commons then resolved to abandon the impeachment for an ordinance of attainder. The lords, who had some sense of their humiliation, would fain have resisted, but they were shrunk to a mere consent, powerless in a controversy where the whole protestant and Scottish interest as well as the Scots were arrayed on the side of the commons. After a conference with the other house they gave way and passed the ordinance of attainder on January 4, 1645. Laud procured a pardon from the king sealed in April, 1643, but it was set aside and he was beheaded on January 10. To the last he preserved the firmness and dignity of a man who is conscious of his own rectitude. His enemies were equally assured that they had brought a great criminal to justice. At the present day, those who can least approve the policy or the temper of the archbishop will be shocked by the manner of the house of commons.¹

Within three weeks after his execution the commissioners to treat for a peace met at Uxbridge. The parliamentary commissioners were instructed to demand a protestant reformation of the Church, the permanent control of the militia and the navy by the parliaments of England and Scotland, the annulling of the Irish constitution, and full freedom to carry on the war in Ireland. The king's commissioners propounded a scheme which had been approved by the clergy at Oxford, allowing a full toleration in matters of ceremony. This offer, comparatively liberal as it was, obtained no response. There could be no understanding as to religion, for the king would never consent to forgo episcopal government in England, and the Scots were assured that, if they did not have protestant government in England, they would not long enjoy it at home. Nor could the commissioners agree about the crisis. The king

¹ *Treaties and Trial of Archbishop Laud, Laud's Works*, vol. ix. and x. i. *History, Life of Laud*, pp. 202-3.

offered to entrust it for three years to a body of persons named half by himself and half by the parliament, but this the parliament could not do so enough. About Ireland the commissioners disputed in vain. At last the king's representatives proposed that both armies should be disbanded, and that the king should come to Westminster. The proposal seems to have been a ruse and was rejected. On February 22 the treaty of Uxbridge ended in total failure.¹ The Oxford parliament, which had assembled in January and had expected a long respite for peace, was prorogued by the king early in March.

As the issue of the negotiation became more and more apparent, presbyterians and independents, English and Scots, became more friendly and for a time forgot their quarrels to prosecute the war with renewed vigour. The lords declared themselves ready to pass the new model ordinance with certain safeguards, of which the chief, that all officers and soldiers should take the covenant, was accepted by the commons. On February 15 the new model ordinance passed the lords. At the same time a new self-dissolving ordinance was brought into the commons. It disqualified no man, it only enacted that, within forty days, all members of either house should resign any office bestowed by the existing parliament.² The lords passed it on April 3. Essex, Manchester, and Waller laid down their commands, and Warwick resigned his office of lord high admiral. Thus the old leaders of the parliamentary forces made way for men more entirely bent upon the work in hand, but less deeply concerned for the supremacy of parliament. The same ordinance which created the victory of the houses over the king began the revolution which transferred power from the houses to a great general.

The armies of Essex, Manchester, and Waller had been so much thinned that they could not furnish half the men required for the new model. Volunteers being scarce, upwards of 4,000 recruits were raised by impressment, and did not shyns submit to their fate without a struggle. Desertion was for some time frequent. But good pay and strict discipline gradually improved the tone of the privateers, long and successful service kindled their martial ardour, and the puritan and common to most of the officers and some of the men increased the whole

¹ Clarendon, *History*, vii., 112-15; Widdows, *Revolution*, pp. 221-23.

² *Commons' Journals*, iv., B.; *Lords' Journals*, vi., 109.

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body. The new model became such an army as has never been surpassed, perhaps never been equalled, in England. It also became the mainstay of those sects which dreaded equally an Anglican or a presbyterian domination. The rank and file were never forced to take the covenant, and many officers took it with those reservations to which the sternest enthusiast at times will assent. As the soldiers could not obtain liberty of conscience from king or parliament, they promoted from democracy in religion to democracy in politics. Many of the doctrines which in the following century shook Europe and America were first proclaimed by the warriors of the new model.

The king resolved to place at least his eldest son as far from danger as he might. His western friends, following a precedent set by the other party, had planned an association of their counties. To encourage and direct their labours, young Charles was sent to hold his court at Bristol, and with him an association went Hyde, Capel, Culpepper, and Hopton. They found that nothing had been accomplished and that Goring with his unpaid troops was making such ravages as quenched all goodwill in the country people.¹ The like oppression and the like discontent were spreading through the rest of the king's territory. In Hertfordshire the countrymen rose by thousands and beset the city of Hertford. Such irregular masses of what were known as "clubmen," with no other aim than the defence of home and livelihood, often occurred in the last period of the war. The king himself decided not to remain in Oxford until he was harassed in by superior forces, but to take the field in the hope of dealing a heavy blow at some weak point. The new model could not be made ready for the field before May. As Montrose had at last effected a diversion in Scotland, the Scots could not hope for reinforcements and would hardly dare to march southwards while uncertain of the fate of their own country. Charles intended to join Rupert, who was raising fresh troops in the valley of the Severn, and then to march against the Scots. On hearing of his design, the parliament sent Cromwell, who had not yet surrendered his commission, to disable the king from moving. Cromwell swept round

¹ Clarendon, *History*, III., 232-33; *ib.*, 242; 247-8.

Oxford, meeting the royalists at Islip and carrying away all the draught horses for a space of many miles. At the end of April Charles was still without troops to draw his artillery. He therefore summoned Rupert and Goring to join him at Oxford. Sir John Berkeley remained behind in Somerset to besiege Taunton.

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The committee of both kingdoms ordered Fairfax to relieve Taunton as soon as he could march. By this false move the royalists were left free to unite their forces and raise the offensive. Too late the committee ordered Fairfax to return with his gaiter body, nearly sending on a detachment to relieve Taunton. Charles, finding his generals at strife, and unable to assert his own authority, resolved to march northwards with Rupert, while Goring returned westwards to help in making head against Fairfax. Thus to divide his forces was to win destruction, but he was again saved by the committee. Misled by information that Oxford would open its gates at the first summons, they ordered Fairfax to besiege that city, and leave the Scots to join battle with the king. The Scots complained that, while their pay was in arrears, they were put upon the hardest and most dangerous service, and Lawson, instead of advancing, retreated towards Wintersetland, so that he might threat a junction between Montrose and the king. On the approach of Charles through Shropshire, Bevisston raised the siege of Chester. But Charles felt so apprehensive for Oxford, where supplies were low, that he turned eastwards from Market Drayton towards Leicestershire, whence he might march northwards or southwards, as circumstances should determine. He raised the spirits of his men by the storm and sack of Leicester on May 31. He still hoped for reinforcements from South Wales and the West of England, which never came, and at last he turned back to relieve Oxford, thus abandoning his original plan of campaign.

On hearing that the king had taken Leicester, the committee of both kingdoms ordered Fairfax to raise the siege of Oxford and march to the defense of the eastern association. The king learnt at Daresbury that Oxford was safe for the moment, and he remained there collecting sheep and cattle to re-victual the city until Fairfax approached. The committee, on the petition of Fairfax and the officers, had named Cromwell

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The army of the parliament, 15,000 strong, had formed on the high ground to the north of the village of Naseby. In the centre, under Skipton, were the foot, about one-half of the whole force. The cavalry were led by Cromwell on the right and by Ireton on the left. In the rear was a reserve, and farther back, near Naseby, the baggage guard. A hedge on the left meeting at right angles to the line was held by Colonel Chay's dragoons. On the opposite verge of the valley known as Broadmoor the royalists, numbering about 7,500, were drawn up in a line under Austley in the centre, Rupert's horse on the right and Langdale's on the left, the king himself leading the reserve. Whether though the royalists were, they took the offensive, crossed the valley, and charged up the hill. Even so Rupert's onset might not be withstood. Ireton's horse were routed, Ireton himself was struck down, and Rupert pushed as far as the baggage guard which refused his summons. He was then recalled by the course of events elsewhere. The king's infantry had driven back the first line of the parliament and had taken strongly on the reserves. But on the right Cromwell had routed Langdale's horse. Sending part of his troopers in pursuit, he threw himself with the rest on the flank of the king's infantry. The king gave the word for his reserves to charge, but the next moment the Earl of Carmarthen who rode by his side caught at his bridle, exclaiming, "Will you go upon your death?" and some one else gave the word, "March to the right". The whole body turned and fled a quarter of a mile before it could be halted. Rupert's horse had not yet come back. Thus the infantry were left to their fate. With Skipton's men re-formed in front, Cromwell's horse charging on one flank and Chay's dragoons posting in a heavy fire on the other, they could not

long hold their ground, but threw down their arms and were admitted to quarters. Report at length retarding found that all was lost and shared the king's flight to Leicester.¹

At Masey Charles suffered total and irreparable defeat. He lost 1,000 slain, nearly 5,000 prisoners, all his guns, tents, and baggage, and even his most private papers, which were soon afterwards published by the parliament to the great injury of his cause, his own errors and those of his general had wrought this ruin. By indecision in the conduct of the campaign Charles threw away his one advantage of time. By rashly attacking a superior force in a strong position Rupert invited disaster. By falling, as on other fields, to run up and return from a successful charge, he rendered defeat certain. Fairfax throughout had acted with all the cool and judgment which his quarters would allow. Cromwell had again proved himself the best captain of horses in England. The heavy odds in their favour lent the glory of the troops and the victory was defiled by the most brutal usage of the poor women who followed the king's camp. About 200 of them, being Irish, were knotted on the head; the Englishwomen were gashed in the face.

As Charles had lost the north by the battle of Marston Moor, so he lost the midlands by the battle of Naseby. The scattered fortresses which he still held there he could not keep save by raising another field army. For this purpose the only territories still ruled by him, Wales and the west of England, were too narrow, too poor, and too much exhausted by frequent levies of men and money. Thereafterwards the king was a fugitive and a broken man, who might prolong the contest for a few months, but could not prevail except by miracle. He continued his flight towards Hereford. Leicester surrendered to Fairfax on June 18. Levett with the Scots began his march southwards and met Fairfax free for operations in the west, where alone the king still had an army. As Fairfax traversed Wiltshire and Dorset, he dealt mildly but freely with the chieftains who declared that the war should cease. When he entered Somerset, Gorley raised the siege of Taunton and entrenched

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¹Springe, *Anglia Eboracae*, part 1. ch. vi.; Carlyle, *Cromwell's Letters and Speeches*, Letter vol. i. Symonds, *Oliver*, pp. 199-201.

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himself to the north of the Yeo and the Parret, with Bridgewater for his place of arms. But the careless, drunken Goring was not the man to snatch victory out of disaster or even to fall with honour. Fairfax turned his position and brought him to a battle near Langport, where, with every advantage of the ground, he was beaten on July 10. Goring's infantry surrounded and he fell back on Bridgewater with a few horsemen. Although great hopes had been built on the strength of Bridgewater, it was taken after a week's siege and with it magnanimity of food and ammunition which the royalists could not hope to replace.¹

Fairfax, wishing to perfect the conquest of the country in his rear, turned first against Sherborne Castle in Dorset, which closed an important line of communication. On this way he induced Bath to surrender. He pushed the siege of Sherborne so hotly that it surrendered on August 15. On the 17th he invested Bristol, which was ill prepared for resistance. The lines drawn around the city by Pymme were no stronger than when he had surrendered it, and they were too extensive to be held by a small garrison. Rupert himself was in command, but could not muster above 5,000 men. Yet there was a faint hope that Fairfax might be compelled to raise the siege. In the hope of joining Montrose, who was at this time master of Scotland, Charles had pushed northwards with a body of horse. Leven, who was besieging Hereford, detached all his cavalry under David Leslie to follow the king and General Poynts manœuvred all the parliamentary forces in Yorkshire to bar his way north. Charles gave up his design, but the report of Montrose's coming victory at Killybrannock caused Leslie to march for Scotland. Then Charles returned westwards, and Leven, who had no cavalry, raised the siege of Hereford, and retreated to Gloucester. Charles hoped to relieve Bristol next, but his forces were too weak and recruits were scarce, for the Welsh had lost heart. Before he could move, Fairfax ordered the lines round Bristol, and on the following day, September 11, Rupert surrendered the city on condition of a safe departure for the garrison. Angered and dismayed at this terrible blow,

¹ *History, Anglo-Norman, part II, ch. xlii.* *Chronicle, History, ix, 12, 21.*

Charles deplored Rupert of his command and sent him a post CHAP.
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to go beyond the seas.¹

Yet a third time Charles with a scanty following tried to join Montrose. He made for Chester, which was besieged by a parliamentary force under Colonel Michael Jones. Jones did not attempt to hinder the king's entrance. Poynts, who came in pursuit, defeated his cavalry on Rawton Heath on September 24, and almost at the same moment a rally was repulsed by Jones, in sight of the king who watched the conflict from the city wall. Charles could neither stay in Chester nor continue his journey to Scotland, but wandered with uncertain aim and dwindling hope from one to another of his remaining fortresses, until, at the beginning of November, he sought a refuge in Oxford. Many of his outposts had fallen. The castle of Devizes was surrendered on September 23, the castle of Winchester on October 2, and Basing House was stormed on the 14th. The whole south of England, so far as the borders of Devon, was in the obedience of the parliament, and Fairfax went into winter quarters around Exeter. The king's western army could neither enlarge its bounds nor recruit itself within the barren territory which it still occupied.²

While the king's fortunes were declining in England, a great soldier had waged on his behalf a war in Scotland which for a moment seemed likely to regain all that had been lost in other kingdoms, although it ended in an overthrow more absolute than the disaster of Marston. Having vainly sought help from Rupert after the battle of Marston Moor, Montrose made his way across the lowlands in disguise. In the loyalty of the highlanders, and still more in the jealousy which other clans felt for the powerful and ambitious Campbells, who followed their chief in maintaining the covenant, he hoped to find the means of executing his project. The Macdonalds, wherever they might be found, were the bitterest enemies of the Campbells. The Earl of Argyll had sent over for the king's service a body partly of old Irish and partly of Macdonalds settled in Ireland, under Alister Macdonald, whom Montrose succeeded to his aid, thus obtaining the nucleus of an army. He next

¹ Sprague, *Anglo-Romanes*, part II., ch. II. b. c. Carlyle, *Scottish History and Scotland*, latter vol., *Charles I.*, 1642.

² Sprague, *Anglo-Romanes*, part II., ch. I. c.

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persuaded the Robertson, the Stuart, and other clans of the southern highlands to espouse the king's side. But the alarm had been given, and enemies were gathering all around. While Lord Elcho mustered a force to cover Perth and the lower valley of the Tay, Argyle and his Campbells were coming up from the west, and a third army was forming at Aberdeen. Lord Elcho was the nearest enemy, and Montrose instantly marched from Blair Atholl to his encounter. They met at Tippermuir, three miles west of Perth. Montrose had 3,000 ill-armed foot, Elcho 7,000 foot, 700 horse and a train of artillery; but Montrose's men had been trained to war from boyhood, and Elcho's men were a raw militia. At the first onset they broke and fled, the highlanders doing terrible execution in the pursuit. On the same day, September 2, 1644, Montrose entered Perth.

No general ever understood better than Montrose the value of time. Three days after the battle of Tippermuir he was on the march for Aberdeen. Many of his highlanders had left him to put their spoils in safety, but some recruits came in from Fochlar and Kinrossdale, although the great royalist clan of Gordon still held aloof. On the 17th he found 2,500 covenanters under Lord Telfer of Eboragh well posted outside the city. Montrose had hardly 1,500, but his own skill and the steadiness of Alastair's men gained a complete victory. Aberdeen could offer no resistance and was sacked without mercy. Only Argyle's army remained to the government. Montrose finding his numbers, as usual, thinned by victory, showed himself as prudent as he had been bold, and led his enemy on a long and vain pursuit through the mountains, until Argyle, worn out by forced marches and foul weather, gave up a hopeless task, dismissed his clansmen, and resigned his command.

Although it was then midwinter, Montrose would gladly have invaded the almost defenceless lowlands. But the chieftains around him, hereditary foes of the house of Campbell, who were more concerned to humble their mighty neighbour than to restore the king's authority at Edinburgh, persuaded Montrose to invade Argyleshire. As the Campbells deemed their country invulnerable, the passes were unguarded save by the snowdrifts. The invaders glutted their rage by burning every house and slaying man and beast. After

a month spent in this house, Montrose marched northwards into the great glen now traversed by the Caledonian Canal. Once more he found himself enclosed between hostile armies. The Earl of Seaforth with 4,000 men had taken post on Loch Ness. Argyle, with the whole power of the Campbells and one hundred regiments, was following in Montrose's rear. As most of Montrose's men had gone home to store their spoils, he was scarcely 1,500 strong, yet he outmanœuvred Argyle so thoroughly that he only feared lest the Campbells should escape. On February 2, 1645, he fell furiously upon the enemy at Inverlochy. Argyle took the excuse of a recent hurt to resign the command to his kinsman, Sir Duncan Campbell of Auchinbreck. The lowlanders fled, the Campbells were mostly cut to pieces, and 1,500 corpses strewed the field.

From Inverlochy Montrose marched against Seaforth, who did not dare to meet his coming. For several months he continued to wage with surpassing skill and valour that desultory warfare to which he was confined by the unstable character of his forces. He surprised Dundee in April, but was forced to resign the campaign. In May he defeated one over-matching force under Colonel Harry at Auldearn, not far from Elphn. In July he defeated another under General Baillie near the village of Alford on the Don. A week later the Scottish parliament assembled at Stirling. They still undervalued their enemy so much that they would recall no troops from England, but raised a new army in the southern counties. Baillie remained general under a supervising command of nobles, who might indeed have learnt wisdom by experience, for among them sat Elche, Argyle, and Telfour of Burleigh. In order to prevent a junction between Baillie and the Earl of Lanark who was bringing troops from the west, Montrose took post at Kilsyth, midway between Stirling and Glasgow. Baillie was forced to follow lest Lanark's troops should be destroyed and the nobles were eager to fight lest Montrose should escape. On August 15 the two armies met. Montrose had about 2,000 men, the overmatchers about 7,000. Desiring to cut off Montrose's retreat, they began a flank march across his front. Forthwith Macdonald dashed at their extended line and their whole army broke up in confusion. No quarter was given, and it is said that 4,000 overmatchers fell. The few survivors

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waited in all directions and Scotland lay at the feet of Montrose.

Montrose then exchanged the part of the conqueror for that of the discomfited. As the king's lieutenant, he summoned a parliament to meet at Glasgow in October. He trusted soon to enter England with such an army as might restore his master's sinking cause. But never perhaps in history did hero enjoy a briefer time of success. In order to complete his task, Montrose had to keep the goodwill of the highlanders and gals, the goodwill of the lowlanders. It was difficult, almost impossible to do either. The mountaineers had followed him, not from devotion to any political or ecclesiastical system, but for the joy of battle and the rewards of plunder which he could no longer bestow. They were displeased that he should save Glasgow from the promised pillage, and they melted away to their glens, although they undertook to return as need. The lowlanders were incensed, not merely by defeat, but by the severity of the victors. Although Montrose himself was far from cruel, he had not the means of controlling his followers as a regular army is controlled by its chief, and they had marked his path with rapine and slaughter. The lowlanders still held by the covenant and were ill-disposed to trust Charles with the future of presbyterianism. Some of the royalist nobles bore a grudge to Montrose as an equal who had become their master. When David Leslie removed the border, Montrose could muster at Kelso no more than 1,200 gentlemen on horseback and 300 Irish foot, the survivors of Alister Macdonald's band. A few days afterwards his camp on Fiddlingburgh, beside the Etrick Water, was startled by the on-rush of 4,000 horse, and his men in a brief space were scattered or slain. Some few were admitted to quarter, but the clergy allowed Leslie an equal until they were massacred. The women and children found in the camp shared the same fate. Twenty-nine days after the rout of Killybuck had given Scotland to Montrose, the covenanters had regained the kingdom, and he became a fugitive under the ban of Church and State.¹ Charles learnt the extinction of his Scottish hopes soon after his own discomfiture on Rowton Heath. Many of his followers saw that all was over; but the

¹ For the campaign of Montrose see *Widdow, Death of Montrose*; *Patrick Gordon, A Short Account of Britain's Disasters*.

king still nursed the hope of aid from Ireland or from the continental powers.

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In July, 1544, Charles empowered Ormond, whom he had made lord-lieutenant, to resume negotiations with the supreme council, and in September the Irish stated their demands. They required not only freedom of worship, but also repeal of the statutes abrogating papal jurisdiction. Charles could not go so far without raising all Britain against himself. At that very time the temper of the parliament was shown by an ordinance refusing quarter to Irish soldiers taken in England or at sea. Yet the course of events made him more and more impatient for that Irish success which could be obtained only by a delicate and hazardous negotiation. For this purpose he employed Lord Herbert, a catholic, whose fidelity he had proved, and whom he had raised to be Earl of Glamorgan, and chosen to command the Irish army, when it should appear in England. Glamorgan received instructions of studied vagueness, empowering him to act in matters where the lord-lieutenant was not willing to be seen and which the king could not conveniently acknowledge. Various causes delayed his arrival in Dublin until August, 1545, when the king's affairs were fast going to ruin. He found that the Irish, especially the clergy, had raised their demands. They required that all the churches actually in the possession of catholics should be conferred to them, and that catholics should be freed from all ecclesiastical jurisdiction save that of their own clergy. Glamorgan was induced to sign, on August 15, a secret treaty granting all the points in dispute. The supreme council then looked Ormond to take the field with them against the Scots in Ulster. Ormond declined, and in matters of religion would not swerve from his instructions, which fell far short of authorising the agreement made by Glamorgan. About the same time the nuncio sent by Innocent X. to the Irish confederates, Giovanni Battista Rinconero, Archbishop of Parma, landed at Kinsale and proceeded to Killybegs, bringing a supply of money, arms, and ammunition which heightened the influence of his sacred character.

Benedict, who had nothing to consider but the interests of Rome, was not disposed to let a heretical prince have orthodox help at a low rate. He drew Glamorgan into promising the virtual re-establishment of catholicism in Ireland. Glamorgan

returned to Dublin, where he found a still reception, for the secret treaty had already been divulged by accident. A copy was found on the catholic archbishop of Tuam, who, while being part in the siege of Shigo, had been killed in a rally of the garrison. Lord Digby, the king's secretary, who had recently come to Dublin, saw the danger and denounced the treaty. The council put Glengowan under arrest and sought for the king's direction. About the same time the parliament, having got possession of the secret treaty and other documents, ordered them to be published. The terrible effect was little impaired by the king's disavowal or even by his shameless declaration that he had resolved on leaving Irish affairs wholly to the parliament. Without obtaining one soldier from Ireland he had incurred unspeakable distrust in England.¹

The entreaties of Charles and his queen to get help from abroad were equally vain. Henrietta Maria reached Paris in November, 1644. The French, who were at war with Spain and the empire, could not afford to divide their strength or multiply their foes. Cardinal Mazarin, who then guided the state, wished to keep the English busy at home, and with that object promised money to the Irish confederates, but he absolutely refused to interfere in England. The joint body of English and Irish catholics in Paris sent Sir Keesha Digby to solicit aid from the pope. When he held out hopes that, if the king were restored by catholic success, he might return with his people to the Roman fold, he was asked what credentials he bore from the king, and, as he could show none, he was put off with a promise of 20,000 crowns. The queen tried to engage Charles, the so-called Duke of Lorraine, who had turned soldier of fortune and had formed an army of adventurers in the thirty years' war. She hinted to the Prince of Orange that the Prince of Wales would be married to his daughter if he would persuade the States General to provide shipping for the duke's forces. The duke and the prince were ready to do what was desired of them, but the States General would not hear of the scheme, which failed

¹ The history of Glengowan's mission remains obscure, and the authenticity of the promise on which he professed to act has been called in question. See

* Charles I. and the Earl of Glengowan "by tradition," *English Historical Review*, xliii, and * Charles I. and Lord Glengowan "on his," J. H. Roome's *Sketches in Foreign and Family History*.

accordingly. Throughout these transactions the king and queen made the mistake of supposing that foreign governments would give assistance where nothing was gained in return. They also proved their ignorance of English and Scottish feeling. No help that the pope could give was worth the discredit of intriguing with Rome. No horde of refugees from unhappy Germany but would have been unutilized by the uprising of all ranks of all parties to defend their goods, their lives, and the honour of their women.

It remained to fight out the war. Only in the south-west did the king possess even the semblance of an army. Goring had resigned his command in November and retired to France. The officer next in consequence, Sir Richard Grenville, was the infancy of his heroic lion. The rank and file were so roused by indiscipline, and by frequent defeat. The country people were alienated from the king by ill-treatment for which they could get no redress. In January, 1646, the Prince of Wales and his councillors named Hopson commander-in-chief, and resolved to attempt the relief of Exeter. When Hopson reached Torrington with 5,000 men, he heard that Fairfax was approaching. He determined to hold Torrington, closed the eastern ends of the streets with cartworks, and drew most of his horse out of the town in readiness to fall on the flank of the assailants. On the afternoon of February 16 a skirmish of outposts grew into a general action. The royalists, although pushed back step by step, maintained the fight until their reserve stock of powder was blown up by accident, when they were driven out of Torrington with heavy loss. Hopson retreated through Cornwall with forces dwindling every day until on March 14 he surrendered to Fairfax at Truro. Fairfax then turned back upon Exeter, and the governor, Sir John Berkeley, hopeless of relief by sea or land, surrendered the city on April 2.¹ All the remaining fortresses of the west save Pendennis Castle made their submission, and the country people yielded gladly to a power which could protect life and property.

Charles did not yet despair of help from Ireland or the

¹ *History, Anglo-Norman, part II., ch. 1-5.* Clarendon, *History, II., passim.*

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continent. Gloucester had been released from prison on January 21, and immediately returned to Kilkenny, where he secured unreserved obedience to the papists. The success, whatever distrust he might feel, relaxed somewhat his rigid bearing. The supreme council came to terms with Ormond, and the political treaty was signed on March 25, the religious articles being laid aside until the king's pleasure was known. The Irish promised to assist him with an army of 10,000 men. It was too late, for every post in Wales and England was held by the parliament, and the Irish soldiers refused to run upon certain destruction. Letters from the queen and her favourite Jeremy having persuaded the king that a French force would soon land in Kent or Sussex, he resolved to muster every available man and break out from Oxford to join these auxiliaries. In obedience to his orders Aschley drew 3,000 men from the remaining garrisons in the region of the Severn, and marched for Oxford. But near Stow on the Wild he was met and defeated by a parliamentary force, and his men surrendered at a mass one week after Hopton's capitulation. The king was then driven to consider for personal safety and freedom.

In the previous autumn the Scottish commissioners, through the French envoy Montreuil, had offered to do all in their power towards restoring the king if he would accept the presbyterian settlement. The queen would have closed with the Scots, for, caring little by what road or under what direction heretics travelled to their appointed place, she was ready to redeem the crown by establishing the presbyterian discipline. Charles felt very differently, yet he continued to intrigue with the presbyterians, and even to suggest the possibility of his conversion, while playing upon the fears of the independents and promising the catholics a full toleration if they would arm in his behalf. Montreuil still endeavored to effect an understanding between Charles and the Scots, but could not overcome the difference of opinion respecting the Church. At length the approach of Fairfax forced the king to a decision. He resolved to flee, although doubtful whether he should go to the Scots, who were then besieging Newark, or to London, or seek a refuge abroad. On the evening of April 25 he told his council that he was going to London and authorized them to surrender the city if they did not hear of him in three weeks.

Next morning he rode out of Oxford in the guise of a servant in attendance on Mr. Ashburnham, one of his gentlemen, and Dr Hudson, one of his chaplains. They took the London road, but when they reached Hillingdon in Middlesex, the king after some hesitation turned northwards and sent Hudson to Montreuil, who was then staying at Southwell, with the request that he would obtain satisfactory written assurances from the Scots. Pending an answer, the king continued his journey to Lynn, where at the worst he might hope to embark for the continent. The Scots would do no more than give a verbal consent to terms put in writing by Montreuil. They promised to secure the king in his person and honour and respect his conscience. They also promised that if the parliament, upon a message from the king, should refuse to restore the king to his rights and prerogatives, they would declare for him and protect his friends. We do not know what message was meant, but it may have been a declaration in favour of Presbyterianism. They may have been wilfully vague because they were eager to secure the king's person, so valuable in their negotiations with the English. In his dire necessity Charles took their offer. Early on May 3 he reached Southwell, and thenceforward he was really prisoner to the Scots.

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CHAPTER XV.

THE SECOND CIVIL WAR AND THE EXECUTION OF CHARLES I.

CHAP. IN spite of one or two cruel deeds the civil war had been con-
XV. ducted with a humanity rare in that age and honourable to the national character. Yet a severe struggle which lasted almost four years could not fail to inflict much loss and suffering. Many thousands of men had been withdrawn from profitable labour, heavy taxation had been imposed, and various towns and districts had been pillaged. Both parties and all classes must have felt the disorganization of trade and industry, but the royalists, as the vanquished side, suffered most, and among the royalists the gentry and the clergy were the heaviest losers. Whenever the parliament prevailed, the landowners who had taken service with the king were treated as delinquents and incurred in some cases forfeiture, in most cases sequestration. Where an estate was merely sequestered, one-fifth of the rents and profits was reserved for the maintenance of the culprit's wife and children, and he was allowed to compound for his offence, but he was required to take the covenant and the negative oath, that is, an oath that he would never again bear arms against the parliament. The episcopalian clergy were exiled from their livings, although here also one-fifth of the income was reserved for their families. The universities, as the places of education for the clergy, were in that age severely controlled by all rulers. An ordinance for the visitation of Cambridge, adopted in January, 1644, and executed by the Earl of Manchester, resulted in the expulsion of a crowd of heads and fellows who would not take the covenant. Oxford could not be treated in like fashion until the war was over. At the time when Charles gave himself up to the Scots, all men fervently desired peace, regular government, and lighter taxes.

but as they were not agreed on first principles these blessings were beyond their reach. CHAP.
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The parliament cannot be blamed for insisting on rigorous limitation of the prerogative before it restored the king. We may with more reason regret its incapacity to take a large view of ecclesiastical questions. As a strong majority in both houses were presbyterians who refused even to tolerate episcopacy and wars, movements, dictated by the Solemn League and Covenant, the parliament required that the presbyterian system should be established in England and Ireland. The independents, who were willing to tolerate the episcopallians and even the Roman catholics, were so much inferior in numbers, rank, and influence, and so much in advance of ordinary public opinion that they could prevail only by using the army to coerce the parliament, thus making a new revolution and setting against themselves all who valued the rule of the sword as well as the Scots who owed for nothing but their ecclesiastical polity. The king sought to regain freedom and authority and restore the old ecclesiastical order by making advances to each party in turn in the hope of eluding fulfillment to any. But a captive who would play the game of intrigue with advantage, needs a pliancy of mind, a grasp of facts, a penetration into other men's thoughts, and a freedom from scruples of his own, which Charles did not possess. With every wish to mislead others he could not hide his conviction that episcopacy and monarchy were ordained of God, or his intention to restore them in their plenitude if he were allowed. At length his tortuous policy left one party among his opponents masters of king and kingdom and convinced, not only that they could never bind him by any pact, but that they might righteously put him to death. By so doing they enabled Charles to close his unhappy reign with honour, for it is easier to die well than to govern wisely, and in his strange character a real faith and enthusiasm underlying much that was weak and even ignoble, raised him at the supreme moment into a purer atmosphere and illumined his scaffold with something of the brightness of martyrdom.

The King had put himself in the hands of the Scots with an assurance from the ruling authority at Edinburgh, and they showed very little regard to the terms which the commissioners had offered by word of mouth. At the request of the Scots he

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gave orders for the surrender of Newcastle. But when he refused to sign the covenant and establish the presbyterian government in England and Ireland, they set a guard upon him and began their retreat towards Newcastle in order to place their capture in greater security; for the parliament was jealous of the Scots, whose former intrigues with the king had come to light, and voted that their army should be paid off as no longer useful. To please the parliament Charles gave orders for the surrender of Oxford, which opened its gates on June 26. His second son, James, Duke of York, thus fell into the power of the houses. To please the Scots Charles ordered Montrose to disband his forces and quit the kingdom. As the king would not renounce episcopacy, the Scots adopted the draft terms of peace which the parliament laid before him in the beginning of August. The principal demands were that he should take the covenant and accept the presbyterian system, that the militia and the fleet should be controlled by parliament for twenty years and only return to the crown under conditions fixed by parliament; that a number of the king's followers should be excluded from pardon; that the Irish campaign should be annulled and the war in Ireland prosecuted in such a manner as the houses should determine. These terms became celebrated as the propositions of Newcastle.¹

Charles could not stomach such hard conditions. The queen wished him to retain the power of the sword, but to yield on Church government, since the presbyterians, once supreme, would find their mortal foes in the independents. He tried to gain time and asked that he might come to London for further conference. The only result was an understanding between the Scots and the English. The Scots offered to retire on payment of their expenses, and to consult with the parliament how they should dispose of the king. By September 1 it was agreed that the Scots should receive £400,000, half to be paid before they left the kingdom, the rest at a later time. The independents, who feared to be left at the mercy of their rivals, approached the king, offering him a qualified episcopacy when the Scots were gone, and mild treatment for his followers, but they found no response. By the end of September Charles

¹ Rushworth, vi, 209.

framed a counter-proposition of his own. The Presbyterian system was to remain in force for three years. Moreover a committee of both houses was to confer with sixty divines, one-third Presbyterians, one-third Independents, and one-third chosen by himself. After this discussion the king and the parliament were to determine the ecclesiastical system for the future. Charles offered to surrender the militia for ten years, or even for life, on the understanding that it should afterwards revert to the crown.¹ He found that the Scottish commissioners in London would not assent to his proposals whether as regarded the Church or as regarded the militia.

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Argyll and his friends were determined that Charles should not come to Edinburgh, where he would unite and inspire all malcontent parties. They persuaded the Scottish parliament to decide that, until the king accepted the propositions of Newcastle, it would do nothing for him nor receive him in Scotland. Since it was not thought safe to allow him a free departure, it followed that he must be given over to the English. Thus a dangerous difference between the nations was quietly removed. For the English parliament asserted a right to dispose of the king's person, which the Scots had hitherto challenged on the ground that he was King of Scotland as well as of England. The republicans rebuked the Scots with selling their king, but however their act may be judged, their motive was not so much gain as policy. On January 30, 1647, the first £100,000 was paid to the Scots, and they surrendered Newcastle. On February 3 a second £100,000 was paid, and the Scots gave up what other fortresses they held and recommenced the border, at the same time delivering Charles to commissioners appointed by the English parliament, who took him to Holmby House in Northamptonshire. Although he was a prisoner, his journey resembled a royal progress. The gentry came to escort him, the common people thronged to see him pass, the church bells were rung, and cannon fired salutes. A welcome which had been growing for a thousand years could not be told by one man's fate or misfortune. To the multitude the king's return symbolized the return of peace and freedom from taxation. The result was unfortunate for Charles, since it strengthened his belief that men could not do without him and that he could

¹ *Clarendon MS.* 1923, quoted by Gardiner, *History of the Civil War*, etc., etc.

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do as he liked with them. The parliament did not, it is true, show much skill in treating its captive. The commons ordered that the communion plate of the chapel royal should be melted down to make the king a dinner service, and the lords refused his desire for the ministrations of his own chaplains.

In Ireland the king was as unfortunate as elsewhere. Under pressure from the Scots he had commanded Ormond to treat no farther with the rebels, but the injunction was only a ruse, as he knew that a treaty had already been made. On June 5, 1645, Owen Roe O'Neill defeated and almost destroyed the Scottish army under Moore in the battle of Benburb. Then the parliamentary commissioners in the north of Ireland called on Ormond for succour while the supreme council asked him to publish the peace. Against the wishes of his own council Ormond complied, and proclaimed the peace in Dublin on July 30. But with the victory of Benburb power had passed from the supreme council to the clergy headed by the senate, and they condemned the treaty as affording no satisfaction to catholic claims. Ormond resolved to save the places which he still held and which must otherwise fall into the hands of the rebels by surrounding them to the English parliament. Informed of this resolution, Rincelaid made the clergy choose a new supreme council, with himself as president, and summoned O'Neill to his aid. A few days afterwards the English parliament accepted Ormond's surrender of Dublin and his other fortresses. When its commissioners arrived, Ormond refused to yield Dublin, on the ground that the parliament had refused to forward his letter asking for the king's sanction. Charles, who had no thought of giving such an order, rejoined Ormond to renew his negotiation with the Irish. But Ormond, who had less than 1,500 men, could not hope to maintain an independent position. On February 6, 1646, he renewed his offer to the English parliament without requiring the king's authority.¹

Thus, at the very time when the parliament obtained possession of the king, it obtained the exclusive conduct of the Irish war. Jealous of the army and desirous to relieve the nation, the parliament resolved to keep in England 6,600 horse and dragoons, but no infantry save in garrisons, to send 4,100 horse and dragoons with 8,400 infantry to Ireland, and to dis-

¹ *Lords' Journals*, vi., 22.

band the 4,000 infantry remaining. Except the Lord-General Fairfax, there was to be no officer above the rank of colonel; no member of the house of commons was to hold any command in England; and every officer was to take the covenant, resolutions prompted perhaps by fear of Cromwell. But the army was unwilling to be demoralised and dispersed until its public and private requirements had been satisfied. The devout among the soldiers wanted an assurance that they would be allowed to enjoy that liberty of conscience for which they had fought, and the devout also wanted to receive in full their pay, which was many weeks or even months in arrears, as well as an indemnity for illegal acts done in the course of the war. Their discontent broke forth when a deputation from the house of commons came down to Saffron Walden in Essex, where Fairfax had his headquarters, to invite volunteers for service in Ireland. At a conference which they held with Fairfax and his officers on March 20, none of the officers would volunteer until they had some assurance of satisfaction. At a second conference the officers agreed to draw up a petition. The soldiers resolved to follow their example. The houses condemned the petition, denounced its promoters as enemies of the state, and chose Skippon and Massey, inflexible puritarians, to be respectively general and lieutenant-general of the Irish army. A second deputation to Saffron Walden for volunteers proved unsuccessful. In spite of the threatening aspect of affairs, the parliament would only vote that six weeks' pay, a more fraction of the arrears due, should be given to the soldiers on disbandment.

There ensued a formidable innovation. Led by the cavalry, who were men of better standing and education than the infantry, the soldiers organised themselves for political purposes. Eight out of the ten cavalry regiments chose each two representatives, at first styled commissioners, but afterwards known as agitators, that is to say, agents. The agitators addressed to each of the three generals, Fairfax, Cromwell, and Skippon, a letter complaining that the proposal of sending troops to Ireland was a mere device to ruin the army and break it in pieces. This letter became known to the houses and caused much alarm.¹ A third deputation, composed of officers who were

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¹ *Lord's Journal*, ii., 214.

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make, and whatever force such change might involve he was ready to exert. In other things he was cautious of general maxims and ready to accept compromise.

Too late the parliament saw with dismay what a dangerous and uncontrollable power it had called into action. It tried to appease the soldiers by promising that their arrears should be paid in full and the ordinance of indemnity pressed forward. It sent down commissioners with offers to the troops then mustered at Triploe Heath, near Cambridge. When they were coldly received, it prepared for defence, and tried to weaken the army by encouraging desertion. But it could not extemporize a force capable of encountering experienced veterans. The parliament resolved on sending another commission to negotiate, while the city requested in friendly terms that the army would not approach nearer than thirty miles. The headquarters had by that time been moved to St. Albans, and the agitators had been joined with ancient number of officers to form the council of the army. On June 15 the council replied to the parliamentary commissioners with the Declaration of the Army. It asked that the house of commons should be purged of offending members and the date of dissolution fixed; that parliament in future should not last beyond a certain time; that the right of petition should be recognized; offences punished according to law, not at the discretion of the houses; the accounts of national expenditure published; and with some few exceptions an amnesty passed for all offenders.¹ These requests were in the main fair and reasonable. Then and afterwards the soldiers protested with truth that they were no mere mercenaries, but honest Englishmen, who wanted assurance of those liberties which they had so dearly bought. They regarded themselves as maintaining the common interest against a usurping assembly which could not lawfully be dissolved and which refused to dissolve itself.

The army followed up its declaration with a charge against eleven members of the house of commons, leaders of the presbyterian party. Among them were men who had rendered notable service—Maynard, one of the managers in the impeachment of Strafford; Holles, one of the first members so rudely impeached by the king; Munro, the defender of Gloucester,

¹ Rushworth, vi., 314.

and Waller, long the best general of the parliament. They were accused of conspiring against the liberty of the subject, of setting the parliament against the army, and of trying to kindle a new civil war.¹ The houses recoiled by ordering Fairfax to send the king to Richmond and return forty miles from London. Fairfax would not submit nor give up possession of the king. The council of the army put forth a sharp remonstrance demanding the suspension of the eleven members, the disbandment of forces lately raised, and a delay in the king's removal to Richmond. The houses felt unable to resist, the eleven members withdrew from attendance, other concessions followed, and the army fell back as far as Reading.

The army treated Charles with a consideration which the parliament had not shown. He was allowed to enjoy the society of his most faithful friend, the Duke of Richmond, and the ministrations of his own chaplains. Hoping that he would come to an understanding with them, the officers had recourse to Sir John Berkeley, sometime governor of Exeter, who felt satisfied that they were in earnest. The king, who could not believe that any of his adversaries was an honest man, told Berkeley that he did not trust the officers, because none of them had asked him for any favour. The quarrel between the army and the parliament filled him with hopes which he could not conceal. "Sir," said Cotenham-General Ixton, Cromwell's son-in-law and confidant, "you have an intention to be the arbitrator between the parliament and us, and we mean to be it between your majesty and the parliament."

With this design Ixton drafted a scheme for the settlement of the kingdom which, after revision by the army council, became known as the Heads of the Proposals, and offered a remarkable contrast to the propositions of Newcastle. The parliament was to end within a year, and the duration of subsequent parliaments was not to exceed two years. A parliament was to sit at least 120 days, unless adjourned or dissolved sooner by its own consent. Seats were to be distributed according to some rule of equality or proportion. A council of state was to take the place of the ancient privy council. Its members were to be appointed for a term of seven years; the first by agreement, their successors probably by the king, as 20

¹ Rushworth, vi, 320.

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made of choice was specified. The houses were to have the militia and the navy and the appointment of the great officers of state for ten years. The clauses concerning religion breathed the spirit of a large tolerance. No man was to be forced to take the covenant or punished for not using the Prayer Book, or subjected to civil penalties by any ecclesiastical authority whatsoever. Leamy was sworn to the king's followers, of whom only five were excluded from composing. The cessation in Ireland was to be declared void and the prosecution of the Irish war left to the houses.¹

These terms were the most favourable ever offered to Charles. If they reversed his perspective, they allowed him to enjoy his own religion, and they dealt mercifully with his friends. He preferred, however, to play his dangerous game, for the presbyterians in the parliament and the city gave signs of revolt. The charge against the eleven members had been dropped, not so much for their punishment, as to frighten them out of public life and therefore was not pressed home. The eleven took courage and demanded a trial. The army then presented the articles of impeachment. The eleven asked leave to go beyond the seas, many other presbyterian members ceased their attendance, and what was left of the house of commons voted to disband all detachments from the army and give Fairfax the command of all the forces in England and Wales. The submission of the presbyterians was, however, ineffectual. One of the new Scottish commissioners, the Earl of Lauderdale, cheered the eleven with the hope of a Scottish army, and the mob of the city forced the commons to pass a resolution inviting the king to London. Then Fairfax marched on London and the common council prepared its resistance. The speakers of the houses, Manchester and Lenthall, with eight peers and fifty-seven commissioners, quitted London to place themselves under the protection of the army, leaving the presbyterians to choose new speakers, recall the eleven members, and prohibit the approach of Fairfax. Fairfax continued his advance, occupied Tilbury Fort, sent a detachment round by the north to Gloucester, and threatened to interrupt the supplies of London. The common council made its submission, and on August 6

¹ Rushworth, vii, 711.

the army escorted Manchester and Lenthal and their friends back to Westminster. It then marched through the city, and a couple of regiments remained at Westminster and in the Tower. The king was brought to Hampton Court and Fairfax made Putney his headquarters.

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The presbyterians were satisfied, but their result had confirmed the king in his illusions. When the Heads of the Proposals were tendered to him, he required better terms for his friends and the Church, replying, "You cannot be without me"; "You will fall to ruin if I do not sustain you".¹ Since it was expedient to pacify the Scots, the contentious ones were satisfied the propositions of Newcastle. Charles trifled with the propositions, but at length intimated his preference for the Heads of the Proposals and asked for a personal treaty. Cromwell and Ireton, Vane and St. John were in favour of granting his request, but they could not prevail with the house, and some members agreed with Marston that they should make no more addresses to the king. His evident wish to gain time and the growing fear of a Scottish invasion had brought many to demand a settlement in which he should have no place. This new party, revolutionary and democratic in the highest degree, soon became known as the levelers. Weak in the nation at large, it was strong in the army, especially in certain regiments which deposed their old agitators as not going far enough and elected new ones. They drew up the first manifesto of the levelers, *The Case of the Army Truly Stated*, which they tendered to Fairfax on October 21. Parliament was to be purged at once and dissolved in a year. A law permanent, a statute beyond the competence of parliament to alter, was to vest power in parliaments chosen by manhood suffrage and limited to a period of two years. Nothing was said about a king or house of lords. All power, *The Case of the Army* asserted, is in the whole body of the people, and their free consent is the only foundation of all just government. These principles were developed in a second manifesto, *The Agreement of the People*. The army, which had to contend with the greater part of the nation, was thus threatened with a new and most perilous division within itself. Cromwell and Ireton saw the danger and strove to restore harmony. There followed several conferences between the officers

¹ *Memories of the John Evelyn*, p. 22.

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and the spokesman of the levellers, in which no definite conclusion was reached. At length on Cromwell's motion a committee was appointed to frame yet another draft constitution out of the Heads of the Proposals and the Agreement of the People.¹

The Scottish commissioners promised Charles that, if he would give satisfaction in matters of religion, the Scots would restore him to the throne, and urged him to make his escape. He declined immediate flight on the ground that he had given his parole, but he would not renew his parole when asked to do so. This circumstance quickened suspicion and alarm. The commons passed a vote that the king was bound to accept all laws tendered to him by the houses. In the army council men were heard to denounce any further tampering with the throne of God, and to declare the king accountable for all the bloodshed of the recent war. The king was advised that some of the more fanatical levellers were planning his murder. He then resolved to fly in the hope that, when once he was at large, the army and the Scots would compete for his favour, and that he could escape to France if things came to the worst. On the advice of Ashburnham, who had lately returned with messages from the queen, he selected the Isle of Wight as his place of retreat, because the governor, Colonel Hammond, who had friendly ties with both parties, was believed to dislike the late proceedings of the soldiers. Late on November 11 Charles slipped out before the guards were set for the night, and left Hampton Court. Attended by Ashburnham, Berkeley, and Colonel Legge, he made for Lord Southampton's house at Titchfield, not far from the sea. On arriving there he sent Berkeley and Ashburnham forward to try Hammond. They found him, and asked that he would either give the king shelter or let him depart in safety. Hammond, who shrank from the thought of conflicting duties, begged that the king might not stay, but could only promise to act towards him as a person of honour and honesty. Ashburnham, against Berkeley's wish, then brought Hammond to the king, who was deeply vexed, for, in default of satisfactory assurances, he had resolved to go abroad, and had actually engaged a vessel. As Hammond had come and the vessel did not appear, Charles unwillingly followed him to Carisbrooke Castle, Hammond's official residence, and again became a virtual prisoner.²

¹ *Charles Fairfax*, I, 261-262.

² Berkeley, *Memoria*, pp. 204-5; Ashburnham, *Memories of Attendance on King Charles the First*, II, 102-103.

In their rage at the king's flight the levelers seized the occasion of a rendezvous of several regiments at Carisbrooke, near Wain, for a dangerous meeting, which was only quelled by vigorous measures. Before quitting Hampton Court, Charles had addressed a letter to the parliament, explaining that he did merely to save his life, and still desired to restore peace and justice to all parties. He renewed the offers which he had made at Newcastle, and desired to treat personally in London. The Scots favored his request, but the houses and the army showed themselves cold and suspicious. The lords adopted as a basis of negotiation four of the propositions formerly intended at Newcastle. Parliament was to have the militia for twenty years and to determine the conditions on which the crown should have it afterwards; the king was to revoke all declarations against the parliament, and to avoid the honour which he had granted since the beginning of the war, and the parliament was to have the power of adjourning itself to any place which it thought desirable. The commons accepted these propositions from the lords, and converted them into bills which the king would have to accept or reject as they stood.¹ When the king applied to the officers for their help in obtaining a personal treaty, Fairfax refused, and Cromwell warned Berkeley that he must not be expected to perish for the king's sake. There is reason to believe that he had learnt from intercepted letters the king's preference for the Scots and his intention not to observe any promises made under compulsion.

The Scottish commissioners entered a protest against the action of the parliament and the army, and required that the king should be admitted to a personal treaty. They demanded the establishment of presbyterianism and the restoration of the political powers of the crown. The houses took no heed, but rendered the four bills to Charles, allowing him four days for his answer. The Scottish commissioners visited the king at Carisbrooke in order to reach a separate understanding, and he preferred to treat with those who would leave him all the authority by which he could afterwards order Church and State as he thought proper. On December 26 he signed the treaty known as the Engagement. He undertook to confirm the covenant by statute, to protect those who had taken it

¹ *Old Parliamentary History*, vi., 279.

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and to allow a presbyterian establishment for three years on condition that the Church should be finally regulated by himself and the houses. All houses were to be strictly impressed. In return the Scots undertook to support his demand for a personal treaty and the disbandment of all armies. If this were refused, the Scots were to publish a declaration in favour of the king's authority and to invade England. When peace was restored, there was to be an act of oblivion and a complete union of the two kingdoms, or at least complete freedom of trade.¹ Charles then rejected the four bills.

Immense danger united all, whether independent or presbyterian, who were unwilling to lose the fruits of the civil war and despoiled the Scottish jobs. The military leaders valued all disputes. The bond between the chiefs of the army and the chiefs of the commons was drawn closer. Charles, who had planned to escape from Carisbrooke, was placed in stricter confinement. It was even proposed in the commons that he should be impeached and the king's men settled without him. The houses resolved that they would make no more addresses to Charles nor receive any more of his messages.² They dissolved the convention of both kingdoms and voted its powers to the English members. The lords, although not forced to these resolutions, yielded to the fear of military constraint. The commons, in February, 1647, agreed upon a declaration to be published in defence of the vote of no-addresses. At the same time the military preparations were pushed forward.

The Scottish commissioners, who left England in January, found their countrymen deeply divided. Scotsmen saw that the Solemn League and Covenant had not been fulfilled in their sense. The reformation of the English Church on the model of the Kirk was still imperfect and did not seem likely to be finished. Henry continued to flourish in England, was supreme in the army and powerful in the parliament. The king, whose secular prerogatives they had sworn to maintain, was a prisoner and would only be released on the terms under the most rigorous limitations. These reasons prompted to war; but other reasons, equally cogent, recommended peace. The parliamentists who longed to break the domination of the Kirk

¹ Printed from *Clarendon MSS.* vol. viii, 107B, by Gifford, *Short Statement of the Puritan Revolution*, p. 327 (and *seq.*).

² *Old Parliamentary History*, vii., 369.

and Argyle would receive fresh life from a union with the English royalists and anti-parliaments. The ministers, such as they hailed and feared the Independents, continued taking up arms for a king who refused the overtures. When a new parliament met, on March 2, Hamilton became the leader of the warlike faction. His conduct is not opposing the Solemn League and Covenant had excited so much suspicion that he was arrested on visiting Oxford in December, 1643, and remained a prisoner until the end of the civil war. At Newcastle he had urged the king to grant the Scottish demands. But he was royalist as far as prudence would allow; he had no end for the Kirk and he felt poison of Argyle whose power could only be overthrown by a political revolution. The commons were equally divided, but the greater part of the nobles supported Hamilton, who thus prevailed, although with difficulty, over Argyle. It was resolved to prepare for war. A number of English cavaliers came to Edinburgh. The Scottish commissioners, before returning home, had arranged insurrections in the eastern counties and in other parts of England. Plans were laid for the king's escape from Carlisle, and a royalist agent, Colonel Barnfield, succeeded in carrying the Duke of York out of England.

The first overt acts of rebellion against the parliament came from officers and soldiers in its service, although not included in the new model. On February 22 Colonel Foyer, governor of Pembroke Castle, refused to make room for his successor, Adjutant-General Fleming, on the pretext that his arrears had not been paid. A body of troops under Colonel Laugharne, which had done good service in South Wales, but was to be disbanded, joined Foyer. Fleming was defeated and killed, and all South Wales rose in revolt. The parliament sent down Colonel Horton, who defeated the Welsh rebels at St. Fagw's, near Llanelli, on May 8. When Cromwell came to his help with two regiments of horse and three of foot they regained the open country and shut the royalists up in the castles of Pembroke, Tenby, and Chepstow. Chepstow and Tenby were soon taken, but Pembroke, where Foyer himself commanded, held out until July 12, and detained Cromwell in Wales during the time of greatest peril.

To head the English insurrection, the queen and the Prince

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of Wales had chosen the Earl of Holland. In Kent the leaders, who wished to wait until the Scots should have entered England and the whole army should have been drawn northwards, were frustrated by a popular rising on May 21. The insurgents occupied Dartford and Deptford, and threatened London. Holland gave them for a general the old Earl of Norwich, who, like himself, was more a courtier than a soldier. The crews of several warships in the Downs, incensed by default in the payment of wages, and by the removal of Vice-Admiral Batten, declared for the king and seized the castles of Deal, Sandown, and Walmer. Fairfax marched with 4,000 men into Kent, and on June 1 defeated the insurgents at Maidstone, whomupon most of them dispersed to their homes. With 3,000 men Newcastle retreated to Rochester, crossed the Medway and marched towards London, hoping to meet the citizens. As they did not stir and it was rumored that Essex had risen, the earl and some hundreds of his followers made their way thither. Sir Charles Lucas, a veteran of the civil war who held a commission from the prince, took the lead of the Essex men and joined Warwick. They resolved to pass into Suffolk and Norfolk, where they had many friends, but in the hope of finding recruits they turned aside to Colchester. Fairfax, who had crossed the Thames at Tilbury, marched swiftly upon the town, enclosed it with lines of circumvallation, and set down to wait until its scanty stores of provisions should have been consumed.

Holland himself was forced into untimely action by the discovery that all his measures were reported to the government. Early in July he left London for Kingston, where he assembled a few hundred horse and foot. He tried to seize Raglan Castle, failed, and fled northwards, but was surprised and taken at St. Neots in Huntingdonshire. Although the royalist insurrection had thus idly flickered out, the danger of the parliament was not over. The army of Fairfax was destined before Colchester. Nine revolted ships passed over to the Dutch coast, and the Prince of Wales left Calais for the Hague to inspect the fleet. As the temper of the crews which still adhered to the parliament was uncertain, it might lose the command of the sea and be invaded from the conquest while the Scots scoured it from the north.

On April 21 the Scottish parliament resolved that the treaty

between the two kingdoms had been broken, and that the English should be required to establish presbyterianism and representative government. At the end of the month Sir Marmaduke Langdale captured Berwick and other English royalists surprised Carlisle. An ultimatum from the Scottish parliament reached Westminster on May 30, and the English parliament replied with an offer to join the Scots in tendering such terms the propositions offered to the king at Hampton Court. The offer was disregarded and Hamilton was named commander-in-chief with the Earl of Callender as lieutenant-general. The ill-will of the clergy kindled recruiting, and effective concert with the English cavaliers was impossible, as they would not take the covenant. At the muster on July 4, the day fixed for the invasion of England, Hamilton found, instead of the 30,000 men on whom he had calculated, 20,000; but he crossed the border on the 8th, expecting to be joined by reinforcements from home, by Langdale with 5,000 Englishmen, and by Sir George Monro with 5,000 Scots from Ulster. Colonel Lambert, commanding for the parliament in the north, fell back towards Knaresborough. Hamilton was so much delayed by waiting for reinforcements, by bad weather, and by want of draught animals that he did not reach Horthly in Lancashire until August 9. Four days later, Cromwell, who had been marching at his best speed from South Wales, effected his junction with Lambert near Wetherby. Although the united force did not amount to 6,000 men, Cromwell instantly set forth westwards. With 24,000 men Hamilton was moving slowly southwards, in hopes to raise Lancashire and North Wales for the king. He led the Scottish infantry in person; Langdale marched on his left; Callender with the horse pushed far ahead to forage, while Sir George Wingrave with another body of English troops and Monro with the Ulster Scots followed at a considerable distance. Thus the invaders struggled along a line of many miles from north to south, offering every advantage to a flank attack.

On the morning of August 17 Cromwell, marching down the north bank of the Ribbles, bent with all his force upon Langdale and his men, who had taken their position in some enclosed fields hard by Preston. Hamilton supported them, but only with a detachment, sending forward the rest of his host to meet the horse who had been summoned to return so that the united

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mass might crush the enemy. After a gallant resistance Langdale's men were driven back into the town and nearly all captured. The northern bank of the Ribble at Preston commands the southern. With little loss the parliamentarians swept the bridge, drove the Scots across the Darwen and made good that bridge also. The royalists lost 1,000 dead and 4,000 prisoners, and, more disastrous still, their army was cut in twain, the major part with no hope of return to Scotland. The Scottish cavalry had not come back in time to support the foot, and although the Scots still outnumbered the victors, the soldiers were out of heart and the chiefs divided. At last it was resolved to march southwards under cover of the night. As there were no draught animals, the soldiers could take only the powder in their flasks. The rest of the ammunition was to have been blown up, but all fell into Cromwell's hands.

When Cromwell found that Hamilton had slipped away, he left Colonel Ashmun with 4,000 men to guard Preston against Monroe, and started in pursuit. The Scottish cavalry so far held him back that their infantry managed to reach Wigan. Driven farther and farther from their base, wet, weary, and hungry, the Scots made another night march to gain the bridge over the Mersey at Warrington; but Cromwell followed so hard that they were forced to fight at Warwick, and were again defeated with the loss of 3,000 prisoners and 1,000 dead. As they fled towards Warrington many threw away their arms, which were indeed useless for want of powder. So miserable was the plight of the infantry that by Hamilton's order it surrendered at discretion, and 4,000 more Scots became prisoners in Warrington.¹ Cromwell thought that he might safely turn back to disperse Monroe's force, and leave Lambert to pursue Hamilton. After a last attempt to reach the friendly Welsh borders Hamilton turned eastwards, hoping to regain Scotland by a detour. So long a march through a hostile country was beyond the strength of men and horses worn out by toil, hunger, and foul weather. At Uttoxeter, in Staffordshire, the cavalry would go no further, and on the 25th Hamilton surrendered to Lambert. In less than a fortnight Cromwell had well-nigh destroyed the invading army and had confounded the hopes of the royalists in both kingdoms.

¹ Osgile, *Cromwell's Letters and Speeches*, Letter lxxv.

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The Scots who had been pressed for the service were allowed to return home on promising never to take part in another invasion. Those who had freely enlisted were shipped off to forced labour in Barbados or to the service of the Venetian republic. The garrison of Colchester, after ensuring the extremity of hunger, surrendered on August 27. The common soldiers were to have quarters, but the lords, gentlemen, and superior officers were to be at the discretion of Fairfax. A council of war then selected Lucas, and two other officers, Sir George Lisle and Sir Bernard Gascoigne, for immediate execution. Lucas and Lisle died with unshaking courage. Gascoigne was reprieved at the last moment. The other nobles and officers were committed to prison until parliament should pronounce their doom. The common men shared the fate of the Scottish prisoners, and a contribution was levied upon the town. This treatment of the conquered, and especially the execution of Lucas and Lisle, was bitterly denounced by the royalists. The parliamentarians replied that, as a garrison persevering in a hopeless defence was, by the received laws of war, liable to be put to the sword, the execution of two of the leaders was comparative lenity. It is the nature of civil war to grow more cruel the longer it lasts.¹

At the time when Hamilton was preparing for war he invited the Prince of Wales to Scotland, but the prince would not come unless he were allowed to use the Prayer Book. When war had begun Lauderdale was sent with a public invitation to the prince. Before he came the prince went aboard the fleet and sailed for the English coast. If the royalists had waged the war by land on any reasonable scheme, the fleet would have been most useful in connecting and supporting their operations and harassing those of the enemy; but in the actual course of events it proved almost useless. Lauderdale arrived, and on the eve of the battle of Pentlands Charles accepted the Scottish invitation, a barren sacrifice. Want of water and provisions enforced a return to Dutchwaters at the beginning of September, and the fall of Sandown Castle ended the war in the north.

A revolution in Scotland completed the partial victory. On Cromwell's approach Monro beat a retreat and the terrified committee of estates gave orders that no Englishman who had

¹ See *Memories of the Sack of Newcastle*, edited by Professor Firth, Appendix, for a description of the quarters.

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fought in their army should be admitted into Scotland. The ministers everywhere denounced the committee, Argyle assumed his citizenship to arms, and the west-country covenanters rose under Lord Eglinton and seized Edinburgh. The committee surrendered its powers and agreed that all who had taken the same side should resign their offices, thus leaving Argyle and his friends supreme. Cromwell crossed the Tweed, and came to a full understanding with Argyle. Berwick and Carlisle were restored to the English, and Lambert with a strong body of horse and dragoons occupied Edinburgh, where the covenanting chiefs presumed to act as a committee of estates. In a visit to Edinburgh, Cromwell obtained an assurance that the upholders of the engagement would be excluded from office. Although there could be no true cordiality between the Scottish Kirk and the English independents, they had common interests and could render mutual services. When Cromwell returned to England, he left Lambert and two regiments to protect Argyle and his colleagues against any desperate followers of Hamilton or Montrose.¹

At the moment when the king's hopes in Scotland were extinguished, he found new hopes in Ireland. After Cromwell's surrender to the English parliament in February, 1643, there followed a critical season which the Irish waited for with eagerness. In June Colonel Michael Jones arrived with a force of parliamentary troops, and in July Ormond laid down his office. Preston threatened Dublin, but on August 5 Jones defeated him with great slaughter at Dungan Hill. Monk, who had joined the parliament and was sent to command in Ulster, also took the offensive with vigour and success, while Lord Inchiquin, the president of Munster, pressed the confederates hard in the south. These disasters shook Rainsford's influence, and the members of the supreme council whom he had deposed regained power, and sent commissioners to the queen with an invitation for the Prince of Wales. In March, 1644, Inchiquin declared for the king and the Scots. With the expectation of establishing in Ireland a royalist party able to control the natives, the queen received the commissioners favourably and named Ormond lord lieutenant. But the council was enraged, not subdued; and O'Neill adhered to him, so the Anglo-

¹ *Early, Cromwell's Letters and Speeches, Letters 163-164.*

Irish nobles did to the supreme council. Thus the opportunity afforded in the summer of 1642 was lost. Ormond did not proceed to Ireland until October. It was intended that the prince should winter in Jersey and that Rupert, who had lately taken command of the fleet, should keep open a communication with Ireland. When asked to disavow Ormond Charles replied that he had committed the sole management of the Irish war to the houses and therefore should be passed no farther.

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While the parliament was contending against the royalist reaction, the old schism, for one moment healed, reopened between its supporters. Although the presbyterians were so far hostile to the Scots that they could not bear to resign all the political liberties gained in the civil war, they were almost as hostile to the army, where republican and levelling principles were proclaimed more and more loudly. They wanted a king upon their own conditions, above all a king bound to uphold presbytery and extirpate heresy and schism, and they still feared that they might find such a king in Charles. When the approach of war had withdrawn the troops from London and Westminster, the presbyterians again raised their heads in the city and the parliament. In May they passed an ordinance making heresy and blasphemy capital crimes. On August 24 the houses repealed the vote of no addresses,¹ and on September 13 a fresh negotiation was begun at Newport in the Isle of Wight. It was to last forty days, and the king, after giving his parole, was allowed to reside in the town. Fifteen commissioners, including independents like Vane and Lord Saye, rendered him once more the propositions of Hampton Court. Charles defended his position step by step with spirit and ability, but with a strange blindness to his extreme danger. With equal blindness the presbyterians required him to establish their form of Church government, to take the covenant himself and cause everybody to do likewise. The independent members of the council would willingly have gone back to the principle of toleration adopted in the Heads of the Proposals. The long repeated has old allies, and even enlarged them in the hope of gaining time for flight. His scheme for the settlement of the Church was rejected by the house of commons on October 27, and, although the negotiation was not dropped, it had no more chance of success.

¹ *Scott's Journals*, i. 426.

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Since the previous year a number of persons in the army had been convinced that the king ought not to be restored on any terms whatever, but brought to trial and deposed as a public enemy. The events of 1648 strengthened this party and gave the army power to execute any resolution on which it might agree. Ireton drew up the Remonstrance of the Army, in which he argued that it was impossible to frame terms which would bind the king, and just to execute him as a traitor for his attempt to turn a limited into an absolute monarchy. He also demanded that the Prince of Wales and Duke of York should be summoned to stand their trial, and in default be declared incapable of governing and sentenced to death. A certain number of the king's adherents, he added, should suffer the same penalty. Probably on Ireton's motion, Fairfax summoned a council of officers to meet at St. Albans on November 7, but instead of adopting Ireton's views, it resolved to break its upon the treaty of Newport by tendering to the king certain proposals which he desired. Then the council of officers adopted the Remonstrance and presented it to the house of commons.¹ The Presbyterian members ignored it, and tried to gain the king by merely berating the leaders in the second civil war. Although Charles would make no more ecclesiastical concessions, they prolonged the time of the treaty. But the time of their own power had almost expired. Cromwell had at length accepted the conclusions set forth in the Remonstrance, and with his help its partisans became masters of the army, for Fairfax, whose rank and services alone could counterpoise Cromwell's, was more than ever perplexed and uncertain.

The council of officers decided first to secure the king's person by removing him to Hurst Castle, situated at the end of a long spit of land which half-encloses the western entrance of the Solent. At daybreak on December 1 Charles was taken thither and there he remained for eighteen fateful days. In the house of commons November 17 had been appointed for a debate on the Remonstrance, but the subject was opposed to most of the members and the debate was adjourned. Then the officers resolved that the army should enter London to put constraint upon the house. In a public declaration they appealed

¹ *Commons' Journals*, ii., 21.

from the existing parliament "into the extraordinary judgment of God and good people." They announced its approaching dissolution and the election of a new parliament. Meanwhile the members faithful to their trust were invited to seek the protection of the army which would uphold their authority. On December 2 the army occupied London. Three days later the presbyterian members carried a resolution that the king had been removed to Hurst Castle without the knowledge or consent of the house, and another resolution that the king's answers to the late propositions were grounds for the settlement of the kingdom.

This defiance of the army by the commons left the military chiefs no alternative but to dissolve or to purge the parliament. As those members who supported them were adverse to a dissolution and it was probable that a general election would return a house of commons even more hostile, they resolved to purge rather than dissolve. Without orders from Fairfax the approaches of the house were occupied by soldiers early on the morning of the 6th. Colonel Pride was in command, and Lord Grey of Groby pointed out the obnoxious members, who were turned back, and, if they resisted, were put under arrest. In the afternoon the prisoners were removed to an adjoining tavern, known as Hell, where they spent the night in some discomfort. On the same day Cromwell arrived in London and declared his approval of what had been done. The next morning he took his seat and received the thanks of the house for his victories. Yet there still were some who winced under the constraint of military power, and on the 8th the commons adjourned for a few days. In all, forty-seven members had been arrested and ninety-six had been turned back, and, after the adjournment, others stayed away of their own accord. At this point the history of the long parliament may be said to close. The remnant, the remnant, as it was afterwards called, did not represent the nation; it was a mere group of public men depending for power and even for safety upon the soldiers.

The house once more expelled all that were left of the eleven members, repudiated the vote of no address, and repealed the votes authorizing the treaty of Newport and allowing Hamilton and other leaders in the waged civil war to atone for their offense by fine or banishment. The officers sent Major

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Harrison, a stern, unwavering adherent, to bring the king to Winchester. Even then they were in doubt how to act, for, whatever they might think of the king's guilt, they knew that the nation would not approve his punishment and that many of their own friends wished to spare his life. They made a last overture through Lord Deane, but the king would not even grant him an interview. Thus ended the long series of negotiations between Charles and his captors. Orders were at once given to reduce the king's attendants and forbear the ceremonial which even to that time had been maintained around him. The commons adopted a resolution that, by the fundamental laws of this kingdom, it is treason in the King of England for the time being to levy war against the parliament and kingdom of England. They passed on January 1, 1643, an ordinance erecting a high court of justice for the king's trial. The very few peers who still sat rejected the ordinance and adjourned for a week in the hope of giving passage to the lower house. The commons reaffirmed their resolution and passed a new and slightly different ordinance, which named 135 commissioners to try the king. Next day they passed three more resolutions:—

"That the people are, under God, the original of all just power; that the commons of England, in parliament assembled, being chosen by and representing the people, have the supreme power in this nation; that whatsoever is enacted or declared for law by the commons in parliament assembled, hath the force of law and all the people of this nation are concluded thereby, although the consent and concurrence of the king or house of peers be not had therunto."

Conformably with these resolutions the term ordinance was discarded and the act erecting a high court was passed on January 8.¹ It named among the commissioners almost every person of account, civil or military, who could be thought willing to accept the dangerous honour of a seat on this unprecedented tribunal; yet so widespread and so powerful was the sentiment against bringing a sovereign to trial, and such were the doubts and scruples even of those who had borne part in the latest revolution, that when the high court of justice first assembled, on January 8, only fifty-two of the commissioners answered to

¹ *State Trials*, iv., 1091.

their names. Some who appeared then, like Fairfax, appeared no more. When the court met a second time, on the 20th, it chose Sergeant Bradshaw, a respectable lawyer, as president, and another lawyer, John Cook, as solicitor to the commonwealth. A few days were spent in settling the procedure, and in preparing the charge against the king, who was brought from Windsor to St. James's Palace. Order was given that the trial should be held in Westminster Hall, and that during its progress the king should be lodged in Cotton House, not far distant, probably lest his frequent passing to and fro should heighten that popular commotion which, important though it was, expressed itself badly in all quarters. January 20 was appointed for the first day of the trial.

Even in the hall the voice of protest was raised, for when the clerk calling the roll of the commissioners pronounced the name of Fairfax, a lady answered from the gallery, "He has more wit than to be here". Sixty-eight commissioners, one-half of the whole body, answered to the call. The king was brought to a cushion chair in front of the bar, where he sat down, careless and unmoved, refusing from any act which might imply recognition of the tribunal. Behind him were ranged Colonel Hacker's men, to whom the guard of his person was committed. Colonel Astell with a strong detachment held back the crowd which was admitted to the further end of the hall. Cook read the charge, which set forth that Charles Stuart, being admitted King of England with a limited power, out of a wicked design to erect an unlimited power, had traitorously levied war against the parliament and people of England, thereby causing the death of many thousands, and had repeated and persevered in his offence.¹ On these grounds he impeached Charles Stuart as a tyrant, traitor, murderer, and a public and implacable enemy of the commonwealth of England. Then Bradshaw, in the name of the good people of England, required the king to answer the charge. "It is a lie," cried the same voice, "not a half nor a quarter of the people of England." Astell would have had his men fire into the gallery, but they forbore, and on inquiry Lady Fairfax was found to have uttered those daring words. When she had withdrawn the king asked by what authority he was called to answer. Bradshaw replied by the

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¹ Bradshaw, vii, 128.

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authority of the people which had elected him king. Charles replied that he was king by inheritance and might not answer save to lawful authority. As he persisted in his refusal, he was removed to Cotton House.

On the next day but one the king was again brought to the bar. When he would have urged again his reasons for denying the jurisdiction of the court, he was interrupted by Bradshaw, who at last ordered the guards to take away the prisoner. On the following day the king was brought to the bar for the third time and Cook demanded judgment. Again Bradshaw required him to answer, again the king declared that he stood for the liberty of the people of England, which would suffer if he acknowledged an unlawful jurisdiction. After some vain altercation Bradshaw ordered the clerk to record the default, and the king was removed from the hall. Sentence against Charles as contumacious should have followed, but the judges were not unanimous. Some scrupled to pronounce the irreversible doom or trembled at the thought of all the enemies that doom must make. The people at large were loath to pity the king; the lord general might intervene by force; the Scottish commissioners had protested thrice against the arraignment of a King of Scotland before an English tribunal. Perhaps with the hope of gaining time to compose the dissensions between its members, the court spent two days in taking evidence of the acts charged against the king. During this interval Cotterwell, lecturers, and other inflexible men solicited their wavering colleagues so effectually that the court at length resolved to pass sentence, and the death-warrant was actually drawn up and signed by some of the judges. When Charles was brought to the bar on January 17, he declared that sentence might not be given until he had been heard before the lords and commons in the painted chamber. The judges withdrew to consider this request, which, after some debate, was refused. When they had once more taken their seats in the hall, Bradshaw justified their decision at length and ordered the clerk to read the sentence. Charles, still protesting, was led out amid cries of "Justice" and "Execution," and was taken to Whitehall and thence to St. James's Palace.¹

¹ See Tristram, *ii.*, 202.

Even among those members of the high court who had joined in passing sentence some hesitated long before they signed the death-warrant. It was finally signed by fifty-eight of the judges, among whom Croswell and Irton, Ludlow and Marten, Hatkinson and Haubert were the most distinguished. Execution was to be done on January 30 and in the open street before the banqueting house of Whitehall, the only finished part of that vast and sumptuous palace which James and Charles had designed to replace the Whitehall of the Tudors. Efforts were still made to save the king. The assembly of divines petitioned for his life, the ambassadors of the States General offered their intercession, the Prince of Wales sent a black sheet of paper bearing his arms and subscription which the parliament might fill with what terms it pleased in return for sparing his father. The stern masters of England, who believed themselves to be doing a solemn act of public justice, were not thus to be shaken in their purpose. Charles himself banished all hope and with the help of Juxon, Bishop of London, spent all his hours in devout preparation for death. He was allowed to take farewell of the Princess Elizabeth and of Mary, Duke of Gloucester, who alone among his children remained in England.

On the morning of Tuesday, January 30, Charles rose early and continued in prayer and meditation until Colonel Hacker knocked at the door. Then, accompanied by Juxon, a guard of halberdiers before and behind, he walked across the park between the long lines of infantry while the deafening roll of many drums shook the frosty air. At Whitehall he had to wait for some time. About two o'clock Colonel Hacker called him forth, and Juxon followed. On the scaffold stood Colonel Hacker and another officer and two men disguised with masks. Around it were ranged dense masses of horse and foot, and beyond them was a mighty multitude which had come in mingled curiosity and sorrow to behold a sight as yet unparalleled in the history of England and of Christendom. Finding that his voice could not reach the people, Charles addressed a few words to those who stood about him. He disclaimed the guilt of the civil war, but avowed that, for an unjust sentence which he had suffered to take effect, he was punished by an unjust sentence upon himself. He warned his hearers that they were out of the lawful

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way and could not prosper until they gave what was due to God, the king and the people. "For the people, truly I desire their liberty and freedom as much as anybody whatsoever, but I must tell you that their liberty and their freedom consists in having of government those laws by which their life and their goods may be most their own. It is not for having them as government, sir, that is nothing pertaining to them; a subject and a sovereign are clean different things, and therefore need you do that, I mean that you do put the people in that liberty as I say, certainly they will never enjoy themselves."¹

After making a last profession of faith, Charles gathered his hair under a cap, took off his cloak and his George which he gave to James, with the one word "Remember," and laid himself down upon the block. He breathed a short prayer and stretched forth his hands, the apologetic signal. The executioner covered the head from the body at one blow, and held it up to the view of the crowd, which answered with a fearful groan. When the body had been embalmed and coffined, it was borne to St. James's Palace and thence, as the ruling powers would not allow its interment in the chapel of Henry VII., to St. George's Chapel in Windsor Castle, where it was laid to rest. The Duke of Richmond and a few other nobles followed their master's hearse, but James was not suffered to read the burial service.

Those who judge Charles with candour will not doubt that he was sincere in his political and religious opinions. From infancy he had been taught that prerogative cannot be restrained by law, and that a king should make his subjects conform to the true Church. Feasible remonstrance, armed opposition, defeat and disaster, a prison, and the approach of death could not modify these convictions. Those who witnessed him were bad subjects and bad Christians whom it was his right, or rather his duty, to quell even by means repugnant to worldly honour, such as double intrigues or foreign weapons. Had Charles been restored to the throne, it is probable, apart from the latitude of advancing years, that he would have followed once more the course which led to his downfall. Too much is earnest for frank submission to circumstances, and too unsuspicious for

¹Widdows, *Memorials*, p. 275.

²See Thomas Herbert, *Memoirs*, pp. 102-103 (ed. 1819).

any compact to bind, he conspired enemies who had begun with showing forbearance until they would be content only with his death. That his trial and execution were illegal needs no proof, and that they shocked nine-tenths of his subjects is certain. It was inhuman to treat a leader in a civil war as an ordinary criminal for acts which he could not have committed without the assent and help of a great part of the nation. It was impolitic to punish an offending sovereign in such a way as to make him a martyr and transfer his claims to a young man who was still innocent. Yet, if we allow for the passions of the time and the provocation which Charles had given, we shall readily understand how honest men might deem themselves bound to exact the uttermost penalty and by an awful precedent establish, what lawyers and theologians had so long denied, that kings are responsible to their subjects.

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CHAPTER XVI.

THE ESTABLISHMENT OF THE COMMONWEALTH.

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UNTIL the king's death the immemorial constitution of England had remained intact, although its operation had been suspended by the disorder of the time. New constitutions had, indeed, been proposed, but parliament had done nothing to displace the old. When the military chiefs resolved upon trying and punishing the king, Ireton agreed with Lilburne that a committee, partly of soldiers, partly of civilians, should elaborate the model of a new republic on the basis of the agreement of the people. The outcome of their work was published in December, 1648, and with some amendments was submitted by the council of officers to the commons. At the time of the king's trial no man had any thought to spare for legislation, and after his execution the rushed agreement was found impracticable. It would have established a democratic commonwealth and insured an early dissolution of parliament. But such was the state of affairs within and without, that a dissolution would probably have resulted in anarchy or in a speedy return to old institutions. That remnant of the house of commons which wielded sovereignty and the officers who upheld it were content to make such changes as they deemed essential, deferring the rest to a time of more quiet.

The commons began with excluding all members who had voted that the king's latest proposals afforded a ground of settlement, or who should refuse to record their disapproval of that vote. Their next measure was to suppress the house of lords. Five or six peers, the remnant of the house, with holding aloof from the trial of the king and ignored by the commons, had continued to meet and transact ordinary business, and, after the king's execution, proposed a joint discussion

of the future government. The commons, without standing to the charge, resolved that the house of lords was useless and dangerous, and ought to be abolished. On February 7 they resolved that the office and power of a king were unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and ought to be abolished. Both resolutions were converted into acts.¹ A republic was thus virtually established, and in May another act declared England to be a free commonwealth, governed by the representatives of the people in parliament.² As the first word of the new republic was an executive power, the commons determined to erect a council of state chosen by themselves, and named a committee to settle the details. The committee fixed the number of the council at forty-one and its duration at a year, unless it were previously ended by parliament. No person nominated to the council could take his place until he had declared his approval of the trial and execution of the king and of the abolition of monarchy and the house of lords. The council was to have the direction of the naval and military forces, the conduct of foreign affairs, the right of consulting on all matters of public interest, of administering an oath, and of imprisoning offenders against its authority. These resolutions of the committee were promptly embodied in an act.³ But the test of admission to the council proved too stringent, since most of the persons nominated, including Fairfax, refused to approve the king's trial and execution. It was, therefore, resolved to be sufficient if such persons would declare that they concurred in the setting of the government for the future in the way of a republic without king or house of lords, and would promise to be faithful in the performance of their trust. The council chose Bradshaw as its president. It stood in the closest relation with parliament, for thirty-one of the first councillors were also members of the house, which was reduced to about sixty persons.

Next to an executive a judiciary was indispensable. The great seal had been entrusted to commissioners, Sir Thomas Whiddrington and Nicholas Whitlocks, who would gladly have

¹ Mitchell, *A Collection of Acts and Ordinances*, II., 7 and 8; *Commons' Journals*, vi., 488-489.

² Mitchell, II., 30.

³ *State Papers Domestic, Interregnum, Parliamentary Order Book*, I., 82 and 83.

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held down their office after the king's death. Widdrington escaped on the plea of ill-health, but Whitelocke was obliged to continue his labours with two new colleagues, Kellie and Lisle.¹ The great seal was broken and a new great seal made, engraved on one side with the arms of England and Ireland and on the other with a representation of the house of commons sitting; the legend *In the first year of freedom by God's blessing restored, 1649*. The king's death having vacated the commissions of all the judges, six refused to act under the new government. Their places were filled up, and the style of king's bench was changed to that of upper bench. The parliament could not extend to any of the ordinary courts the trial of certain leaders in the second civil war, Hamilton, Holland, Warwick, Lord Capel, who had taken part in the defence of Colchester, and Sir John Owen, who had tried to raise a rebellion in North Wales. For this purpose it established a new high court of justice. As the facts did not admit of dispute, all were condemned to death, for Hamilton's plea that he was not an English subject, but a Scot acting in obedience to the Scottish parliament, was overruled. Hamilton, Holland, and Capel were beheaded in front of Westminster Hall on March 9. Warwick and Owen were spared.

The English commonwealth was in form a democracy as compared with most republics then existing, but in substance it was an oligarchy, half religious, half military, ruling over an incomparably greater number of disaffected subjects. In England the Roman catholics, the Anglicans, and the presbyterians were all hostile to the government, for all adhered to monarchy and hated the sects. All who had fought for Charles, and more than half of those who had fought against him, were enemies of the commonwealth. Even that multitude which cared little for political or ecclesiastical disputes was unfriendly to the commonwealth, because it chafed under military taxation, heavy taxes, and interference with its accustomed pleasures. Among the minority which approved the principle of the commonwealth there were many differences of opinion. Some, while hoping to establish in other times a really free republic, upheld the actual government as the only means of felling their idol. Such men were Ludlow, Hutchinson,

¹ Whitelocke, *Memoria*, pp. 278-80.

Yare, and, greatest of all, John Milton, who accepted the office of secretary for foreign languages to the council, and, not content with the discharge of paid duty, sacrificed his eyesight to the literary defects of the commonwealth. A number of logical and enthusiastic democrats, among whom John Lilburne was the most conspicuous, wished at once the sovereignty of the people, to dissolve the parliament, and to consult the nation as to how it should be governed. They were soon at bitter enmity with the statesmen and generals, who saw that a democratic policy would end in the retention of all that the democrats abhorred. Another party of ascetics, who became known as Fifth Monarchy men,¹ looked for the speedy abolition of human government throughout the world, the coming of Christ, and the reign of the saints. As the reign of the saints can never be the reign of the majority, this class of men was instinctively hostile to the democrats. For the moment they upheld the ruling powers, but their allegiance to any government was unstable. Lastly, there were a few inconceivable persons who desired a restoration of society as distinct from government, and would fain have established a rural commonwealth. But England then contained so many petty封建holders that they found few disciples, and their achievements ended with digging up some common land on St. George's Hill in Surrey.

Arduous discussion and danger the real foundation and strength of the new republic was its superb army, numbering nearly 30,000 veterans, invincible in the combination of severe discipline with political and religious fervour. That army was in one respect less dangerous to its masters than other armies formed in a time of revolution. Its rank and file were not mere swordsmen, but wished to return into the ways of order and peace. Yet the very circumstances that they were citizens as well as soldiers laid them open to all the democratic and sectarian biases of the time. Their pay was still in arrears, and many were loth to embark for Ireland until they had received what was due. Lilburne and other levelers took advantage of their discontent and counselled them to appoint

¹He united with religious to the few languages of the Book of Daniel, attributed to the Emperor, the Persian, the Macedonian, and the Roman. The Fifth Monarchy men believed that the last king surviving on the Holy Roman Empire was about to pass away and would be followed by the Kingdom of Christ.

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regulators as they had done before. The commanders, Lord Fairfax downwards, were resolved not to allow any division of authority, and decided that the soldiers should present no petition save through their officers. Parliament ordered that Lilburne should be prosecuted as a traitor for stirring up mutiny. On April 17 the regiments to serve in Ireland were chosen by lot, and the men were given the choice of going or of quitting the service. Some hundreds threw down their arms and were sent home. A week later part of Whalley's regiment, which was quartered in London, broke into revolt. Six were condemned to death and one, Robert Lockyer, was shot in St. Paul's churchyard. The Londoners showed their feelings by giving him a stately funeral.

Other mutinies took place at Basing and at Salisbury, where the whole of one regiment of horse and the greater part of another refused to proceed towards their port of embarkation for Ireland until the liberties of England had been secured. They struck northwards from Salisbury, hoping to find commanders who would take part with them. So great was the danger that Fairfax and Cromwell went in person with two regiments of horse and three of foot. The mutineers crossed the Thames and took up their quarters at Berford in the Cotswolds, where they deemed themselves beyond immediate danger. Making a forced march, Fairfax and Cromwell fell upon Berford at dead of night, and with little loss captured or dispersed the whole body. Four of the prisoners were tried by court-martial and three were shot; the rest, to the number of 400, were pardoned. By this prompt and vigorous repression the levelling spirit, which at one time seemed likely to infect all the troops, was almost extinguished. The soldiers remained rebellious and even desperate in temper, but rarely effracted the commands of their officers or camped to meddle in politics, and the commonwealth was rescued from the worst of internal dangers.¹

Ireland was almost all in arms against the new government. In January Cromwell had made a treaty with the confederate catholics, by which they obtained independence for their parliament and freedom for their religion, while they undertook to furnish him with 15,000 foot and 500 horse. Cromwell in-

¹ See Clarendon, *History of the Commonwealth*, ch. x. and the authorities therein cited.

vised the Prince of Wales to join him in Ireland, and Rupert with the royal ships came to Kinsale. O'Neill stood aloof and Ormonde was hostile, but the monarch's influence had fallen so low that he left Ireland in February. The execution of the king sustained Ormonde by dividing his enemies. Many even of the English in the service of the parliament were alienated, and the Scots in Ulster, like their countrymen at home, refused to hold any correspondence with a regicide republic. Yet Ormonde was in reality weak. He was trying to use the covenanters for the benefit of the house of Stuart, and they were trying to use him for the benefit of their country and religion. Indulge and his troops, while obeying Ormonde, bore no goodwill to the catholics and deserved none from them. If the Ulster Scots were disposed to join Ormonde, the Ulster Irish became all the more dangerous. Ireland had been so much impoverished by long warfare that Ormonde could with difficulty pay or equip his men. He presented, however, such a formidable appearance that the new government of England made the conquest of Ireland its primary care.

In Scotland Argyll and his friends, when restored to power by the defeat of Hamilton, prescribed their law by what was known as the Act of Classes. Those who had taken part with Hamilton, or had not opposed him, were divided into three classes, and debarred from holding office or sitting in parliament for life, or for ten or for five years respectively.¹ A briefer exclusion imposed on all who were guilty of moral or religious offences, enabled the covenanters to banish from public life any who might dislike their policy. Still unshaken in their attachment to monarchy and the house of Stuart, the covenanters were incensed that an English faction should presume to try and execute a King of Scotland. They adopted the insane course of restoring their young king on terms which would degrade the meanest subject, and of quarrelling for his sake with their mighty neighbours, while they placed all his most loyal followers under a ban. The noble Argyll saw the danger; but he could keep his supremacy only by flattering popular sentiment. When the English were preparing to try their king, Argyll opened a correspondence with Hamilton's

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¹ *Acts of the Parliament of Scotland*, vi., 225-26.

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brother Lanark and with Lauderdale. When the king's death became known, young Charles was forthwith proclaimed King of Scotland, although upon conditions. Sir Joseph Douglas was sent ostensibly to learn whether he would qualify himself for the exercise of royal authority by subscribing the conditions, but Charles reserved his decision.

As Charles could not bring help from any foreign power, he was forced to seek a basis of operations in Ireland or in Scotland. To regain protestant Britain with the help of Irish catholics was no hopeful enterprise. To buy the help of the Scots by promising to enforce the Solemn League and Covenant on England and Ireland was to incur certain disaster for doubtful profit. Those councillors who, like Hyde, abhorred presbyterianism, wished Charles to try his fortune in Ireland. Those who, like Calceper, were indifferent on the point of religion, thought that Scotland would be more useful for his purpose. Montrose hoped to win Scotland by means of the Scottish royalists, and Charles granted him a commission as governor and captain general in that kingdom. For himself, Charles was disposed to act upon General's invitation, which arrived early in March. On the 27th he received the Scottish commissioners charged with the formal negotiation. Finding that he was expected, not only to ratify the covenant in Scotland but to impose it on England and Ireland, Charles protracted the negotiation as long as he might, and at length declared in May that, while he would uphold the presbyterian system in Scotland, he could do nothing in his other kingdoms without the consent of their respective parliaments, and would not infringe the treaty concluded by General with the exiles. It would have been well for his line, and nervous for his interest, had Charles held firmly to that answer. The commissioners took it as a refusal and returned to Scotland.

Charles, who was almost penniless, sought for relief from the Spanish governor of the Low Countries, from King Philip himself, as it were from Pope Innocent, but sought everywhere in vain. The indifference of foreign governments to English affairs at this time, so lately recorded in Clarendon's history, is not surprising. Unlike the French revolution, the English revolution was strictly interior. Englishmen did not attempt to make political or theological converts abroad, and foreigners knew

little and cared but about English politics or religion. Until the close of the thirty years' war in 1648 the principal states of the continent were engrossed in their own quarrels. The restoration of peace to a great part of Europe by the treaties of Westphalia allowed more leisure to note the extraordinary events which were passing in England, and the death of Charles I. went through the neighbouring countries such a thrill of horror as the men of our time can scarcely conceive. Yet none dared propose to relieve his lot, much less to avenge his murder.

Cardinal Mazarin, who ruled France in the minority of Louis XIV., was an Italian adventurer, beloved by the queen regent but hated and despised by the nobles, the lawyers, and the citizens of Paris. These feelings broke out in the singular disturbances known as the *Fronde*, which were not quelled for several years. France was still at war with Spain, and internal discord helped the Spaniards as well that the French were in no condition to challenge another enemy. The regent and the cardinal hated the commonwealth, and long refused to recognise it, but they would do nothing for Charles II. The Dutch republic was at the height of power and glory, and the house of Orange, whose houses had been borne by three great men in succession, was also at the zenith. Prince William, the head of that house since 1647 and son-in-law of Charles I., was able, warlike, and ambitious, and he would gladly have mounted higher yet by restoring a King of England. But the peace with Spain and the consequent reduction of the army lessened his power and strengthened his instinctive enmities, the merchant aristocracy, who trusted on a prudent reserve. The States General, while shewing all recognition of the commonwealth, forbore any hostile act. With the object of improving neutrality into friendship, the English government sent to the Hague, as a special envoy, Dr. Dornelous, a Dutchman by birth, although settled in England. Dornelous, having been concerned in proposing the charge against the king, was arrested a fugitive by the cavaliers and was murdered by some Scottish exiles. Either by good fortune or by the negligence of the authorities they all escaped, and England obtained no satisfaction beyond the civil censure of the States General. The Spaniards, who posed themselves on religion and loyalty, abhorred the Eng-

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his brother, rebels, and rogues, but could not afford to indulge such leniency when their utmost strength was taxed by the war with France and by the effort to subdue revolted Portugal. Philip IV. even tried to profit by the animosity ill-will of the French towards England. Although he would not recognise the commonwealth, he allowed his ambassador, Alonso de Cardenas, to remain in London and correspond secretly with members of the council of state. Spaniards, Dutch, and French alike were confirmed in their prejudice by the haughty and resolute tone of the new rulers of England, who refused to treat with any state until it should have recognised the commonwealth, and who showed by the rigour of their administration how perilous would be any attempt to kindle rebellion against their authority.

In order to secure the communication with Ireland, Colonel Robert Blake, who had won great honour by his defence of Lyme and of Taunton in the civil war and had been appointed one of the generals at sea, was sent with a squadron to blockade Rupert in Kinsale harbour. The Irish campaign was delayed by the difficulty of raising money to pay the troops and the consequent danger of their disaffection. Cromwell, whom the council of state named to the command in March, would not go until he had assurance that his men would receive what was due to them. Cromwell, therefore, continued to gale ground, and in June he encamped close to Dublin. Against Musk he sent Inchiquin, who took Drogheda and Dundalk, while the Scots took Belton and Carrickfergus. But by that time the parliament had appointed as Cromwell the double office of commander-in-chief and governor of Ireland for three years and had furnished him with means to take the field. He decided to reinforce Jones in Dublin with a part of his troops, and with the main body to assault Munster, where the English settlers were thought to be wavering in their allegiance to Charles. Jones, having received the reinforcements, brought Cromwell to a battle at Rathfriland near Dublin on August 2, and defeated him with such heavy loss that he abandoned all thought of besieging the city and withdrew to a safe distance. On the news of this victory, Cromwell changed his plan and sailed for Dublin, leaving Innes to command the Munster expedition. Either because the wind proved adverse or because

he learnt that the prospect in Munster was less hopeful than he had believed, Ileton followed Cromwell to Dublin, where the whole English army was concentrated before the end of August.

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Cromwell came to Ireland with an invincible determination to break the royalist power, to beat down the national resistance, and to sweep the remnants of 1642 which, in his mind, as in so many others, assumed gigantic and fabulous proportions. Although he stated the parties looking for the Church of Rome, he was not, elsewhere than in Ireland, an eager persecutor of Roman Catholics. In Ireland he pursued Catholicism with remorseless hate, because he believed that the priests had prompted the massacre and would always prompt revolt against the English power. The Irish character and the grossness of the Irish he failed to comprehend as surely as other Englishmen of that time. Yet he would not allow purposeless devastation. As he found that the troops already in Ireland had been accustomed to rapine and cruelty, he published a declaration forbidding the soldiers to molest any person not in arms or to meddle with their goods, and promising that all who brought supplies should be paid in ready money.¹

Cromwell could not afford to risk a general action until he had received the moneys which he expected from different parts of Ireland. In order to check Cromwell's northward march, he strengthened the garrison of Drogheda with his best soldiers and entrusted the command to Sir Arthur Aston, a veteran of the English civil war. He rightly divined his enemy's intention. On September 1 Cromwell took the field with 10,000 men, and two days later he appeared before Drogheda. As the town lies partly on the northern, partly on the southern bank of the Boyne, and the town bridge then afforded the sole means of crossing, Cromwell could only assail the south front. The garrison, consisting of English as well as Irish troops, was nearly 3,000 strong, but the nearest walls were unfit to resist artillery. Cromwell lost some time in waiting for his siege train, which had been sent from Dublin by sea. On the 10th he opened fire and on the next day, finding the breach practicable, he ordered a storm. The defenders made a brave stand and

¹Carlyle, *Letters and Speeches of Oliver Cromwell*.

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repelled two assaults, but at the third, led by Cromwell himself, they broke and fled into the town. Cromwell gave orders to slay them all, including some who, like Aston, had already been admitted to quarter by his soldiers. Sir Edmund Verney, the colonel of Cromwell's regiment, and other officers were slain next day in cold blood, and of the whole garrison very few escaped. Such prints as were found were miserably massacred, and some of the townspeople shared their doom, how many it is impossible to say, for the evidence of those who were on the spot is both vague and contradictory. According to the usage of war at that time, quarter might be refused to a garrison which had stood an assault; and then and long afterwards the storm of a town was usually accompanied with some butchery of the inhabitants. Cromwell justified the fearful example made at Drogheda on the ground that it would also be followed for the future.¹ His lieutenants speedily recovered Dundalk and other northern fortresses, thus ending all fear lest the enemy should take the offensive from that quarter.

Cromwell himself turned southwards to attack Wexford and open a way into Munster. Wexford extends along the spacious haven formed by the river Slaney, and on that side could be relieved by Cromwell. After the English had taken Roundstone Fort at the mouth of the harbour and the fleet had disembarked the siege train, Cromwell summoned the town and Colonel Synnott, the governor, began to treat, but broke off the negotiation on receiving a reinforcement. On October 11 Cromwell battered the castle with such effect that Synnott offered to surrender, and, while Cromwell was preparing an answer, Captain Stafford, the governor of the castle, treacherously admitted the assaults. When this became known, the defenders of the neighbouring works were struck with panic, fired their posts, and fled into the town, hotly pursued by the Cromwellians. In the market-place the soldiers and officers killed and strove to make some resistance, but were soon overpowered and forced towards the river. With them may have been mingled many non-combatants, but no quarter was given and, besides those who were slain, some 300 were drowned by trying to escape by boat. As at Drogheda, the priests were put to the sword. Cromwell estimated that of the Irish about 1,000 perished and

¹ Carlyle, *Letters and Speeches of Oliver Cromwell*, letter cv.

of his own men not above twenty.¹ The soldiers made a rich booty, as the citizens, besides their commerce, had waged successful war on English shipping. To have taken Wexford so quickly and with so little loss was of the utmost advantage to Cromwell, for the seasonal rains had set in and disease was wasting his army.

Cromwell next summoned New Ross, which surrendered on the 19th. The English part of the garrison took service with their countrymen. Already the English soldiers and officers in Cork had declared for the parliament. Youghal followed the example of Cork, and Cromwell sent Roger Boyle, Lord Broughill, who wielded a strong family influence in Munster, to spread the English defection. Raport, who dared not remain longer at Kinsale, took advantage of a storm which drove Blake from his watch to escape into the ocean. Ormond purchased O'Neill's assistance by a treaty which restored all the forfeited lands in Ulster and secured the catholic clergy in the possession of all the churches which they then held, but O'Neill, who had long been in ill-health, died on November 4, and the Irish lost the one leader who could have revived their spirit. Cromwell himself prepared to besiege Waterford, where the citizens refused to admit Ormond's soldiers. He was, however, disabled by sickness, and when at last he invested the town, heavy rains made the roads impassable for guns and threatened the destruction of his army by fever and ague. On December 2 he raised the siege and went into winter quarters. The whole of the eastern and much of the southern seaboard of Ireland were in his possession.

Ormond gained little by this rupture. He could not heal the antipathy between English and Irish, protestant and catholic. Having no money to pay his soldiers, he could not prevent pillaging, which turned the country people against their defenders and caused the little food left in the country to be carried away or concealed. He was forced to warn Charles that unless his majesty could procure pay for the troops, his coming to Ireland would be useless. Ormond himself found that the remnant of his authority was passing to the catholic bishops. They met at Clonmacnoise and put forth a declaration to raise the spirit of the people, in which they

¹ *Carleton, Letters and Speeches of Oliver Cromwell, Letter ccl.*

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asserted that Cromwell was bent on extirpating the catholic religion, which he could not do without massacring or banishing the catholic inhabitants of Ireland, and solicited their countrymen to union and obstinate resistance. Cromwell thought fit to answer this declamation with one of his own "for the undoing of seduced and deluded people", a serious discourse, illustrating the common English opinion of that time about Irish affairs and the degree of asperity to which great men will sometimes descend. He declared that he would not resist any for their thoughts as to religion, but that he would not allow the masses of the mass in any place where he had power. Yet he would not allow that this implied extirpating the catholic religion, because the mass had long been prohibited by law! His manifesto proved how impossible was any understanding between the English commonwealth and the Irish catholics, and how sound was the advice of the bishops, although they contributed little towards its execution.

At the end of January, 1650, Cromwell took the field once more to subdue what successes were still held by the Irish in Kilkenny and Tipperary. He was repulsed in an attempt to storm the city of Kilkenny, but Sir Walter Butler, the governor, hopeless of relief, surrendered on condition that the soldiers should depart un molested, taking the catholic clergy with them, and that the townsman should ransom their goods from pillage. Brughall was so successful in Munster that Inchiquin's English soldiers capitulated for leave to go abroad or to retire into those parts of Ireland which were subject to the commonwealth. Cromwell was forced to concede the Irish bishops at Limerick, and they immediately attacked his authority. In Ulster River Marston, Bishop of Clogher, was elected to succeed Owen Roe O'Neill as general. Thus the Scots of Ulster overcame their scruple about submitting to a papal parliament. The royalist combination was then breaking in pieces, and the really national party had neither leaders, nor discipline, nor resources equal to the emergency. On April 27 Cromwell laid siege to Clonmel, the last Irish stronghold in Tipperary, which was defended by Hugh O'Neill, a nephew of Owen, with 1,500 Ulstermen. On May 3 Cromwell judged the breach practicable, and gave the word. The breach was carried, but behind

¹ *Discourse, Letters and Speeches of Oliver Cromwell.*

It O'Neill had ruled a strong semicircular retrenchment "Never was seen so hot a storm of so long continuance and so gallantly defended, neither in England nor in Ireland."¹ At length the English were driven back with immense loss, but the Irish had spent all their ammunition. The next night O'Neill marched out towards Waterford, and in the morning the mayor surrendered the town on condition of safety for the lives and estates of the citizens. Soon afterwards Cromwell was recalled to England, and left James deputy. He had decided the issue of the Irish war, although one-half of Ireland remained to conquer.

Charles waited long in Jersey for tidings which should justify his going to Ireland. Montrose, Anglia and his friends decided to renew their invitation, and the Scottish parliament chose George Wemyss to bear its offer to Charles. As he was disposed to insist on the terms already found so unacceptable, his efforts went for a long time fruitless. Even when Charles had given up the hope of achieving anything in Ireland, he still tried to postpone. In January, 1650, he wrote to the committee of estates that he would be ready to confer with their agents at Breck. At the same time he wrote to Montrose promising to do nothing during the treaty which would imply his commitment and bestowing on him the paper as a fresh proof of confidence. When this letter became known to the committee of estates, several members demurred to any further negotiation. Finally the committee resolved to negotiate, but to impose conditions even more stringent. In February Charles left Jersey, where he no longer felt secure, and in March he met the Scottish commissioners. Still hoping to raise funds on the continent and to be helped by an invasion in England, he would not have yielded the Scottish demands, and it was not until May 1 that he signed the treaty of Breck.

For many months Montrose had been labouring to collect the means for his expedition. He resolved to make the Orkneys his place of arms, and sent thither Lord Kinross and some foreign officers to raise and discipline the blues. He sought for assistance from the rulers of Brandenburg, Denmark, and Sweden, but to little purpose. A Scottish merchant of Gdansk made him an advance, which enabled

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¹ *Walsby's, Scottish, p. 227.*

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him to collect a few hundred men, chiefly Danes and Germans. He despatched them to Orkney early in 1649, and followed himself in March, to find that Olmsted had died soon after landing, and that nothing was ready. After overhauling the treaty of Breda, Charles sent Sir William Fleming to countermand the expedition, but his letter never reached Montrose, who crossed to the mainland in April with his foreign soldiers and such recruits as he had raised in the Orkneys. He counted on a widespread insurrection in the Highlands. Following the coast as far as Dunrobin Castle in Sutherland, he turned inland up Strath Fleet, but found none to join him, and had to return seawards. On April 27 his little force was surprised and routed by Colonel Serches in Caithness near the Kyle of Sutherland. Montrose tried to gain the western coast, where he might take ship for the continent, but was seized and delivered up by Macleod of Argyll.

The courtiers spared no indignity that malice could devise. Montrose was taken southwards with his feet tied under the horse's belly. When he reached the gate of Edinburgh he was bound on a high cart, which the hangmen drove to the Tolbooth. As he had been condemned some years before, no trial was necessary; but he was summoned before the parliament to hear his doom. To the angry insistence of Loudoun, the chancellor, he made a brief and spirited reply, protesting that he had never broken the contract and had always acted by the king's commission. The clerk register pronounced the sentence. Montrose was to be hanged on a gallows thirty-five feet high for three hours, and then to be taken down and disembowled. His head was to be set upon the Tolbooth, each limb exposed in some other town, and his body interred in the Boringlankie unless the Kirk should be pleased to revoke his excommunication. A copy of Wilkie's history of his exploits was to be hung about his neck at his execution. With serene majesty Montrose rebuked the insults of the ministers and politicians who had so often trembled at his name. He gloried in his fate, and "desired his wish that he had flesh enough to be sent to every city of Christendom as a testimony of the cause for which he suffered. The sentence was duly executed, and several of his followers were put to death soon afterwards. Montrose had spent his marvellous

power on an impossible task; but his name can never be forgotten while gallies and valour and a tragic fate appeal to human sympathy.¹

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The Scots were still resolved to have Charles for their king, but to allow him no freedom. He was required to take the oaths without delay, and to declare void all treaties whatsoever with the Irish rebels. The set of clauses was to be enforced, the supporters of the engagement were not to approach the king's person, and sixteen of his most trusted friends and advisers were by name forbidden to enter the kingdom. Charles could not endure either to accept these terms or to forego his hopes of a crown, but embarked on June 2 with his friends and the Scottish commissioners, in the hope that when he reached Scotland his presence would induce the Scots to mitigate their conditions. Either in avoiding the ships of the commonwealth, or driven by stress of weather, he came to Heligoland, and there perceiving that he had no choice, he agreed to all that the commissioners required. On June 23 he reached Spymouth, and before disembarking swore to the oaths. On his southward journey he was forced to part with all the friends whom he had brought, save nine, and even of these some were debarred his person. Charles was the more compliant because he still hoped for an English intervention which would relieve him from his humiliating bondage.

When the Scots took Charles for their king, they entered a war with England, for he would certainly try to regain his principal kingdom, and under the Solemn League and Covenant they might claim the right to assist him. In Scotland preparations were made for war. In England the parliament established a new high court of justice, and took other measures to prevent rebellion. Money was raised by passing the sale of confiscated lands. Fairfax should naturally have taken command of the army destined to act against the Scots. But Fairfax had long been uneasy in his office. The purging of the house, the execution of the king, the rule of the army and the ramp had not been desired by him, although he had acquiesced in them. His wife was a staunch puritan and royalist. Thus disaffected, he was still faithful

¹ *Whatist, Death of Marston*, ed. by Warlock and Simpson; *Notes, Memoirs of Marston*.

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to the state and ready to act on the defensive, but he scrupled at an invasion of Scotland, although that was the only effecting way of securing England. Neither the arguments of the council of state, nor the entreaties of his brethren in arms, including Cromwell, newly returned from Ireland, could overcome this scruple.¹ At the end of June Fairfax resigned the office of general and was succeeded by Cromwell. In Ireland Ireton still acted as lord deputy, with the assistance in civil affairs of two, afterwards four, commissioners. Cromwell was to lead an army into Scotland, while Harrison was to command the troops in England.

On July 25 Cromwell crossed the border with 15,000 men of whom one-third were cavalry. Towards the Scots he felt far otherwise than towards the Irish. The Scots, however misguided, were still protestant brethren. To convert them from political and ecclesiastical error by argument and persuasion would have been a victory more acceptable than any that could be won by arms. Cromwell went before him a declaration of the parliament and another of the army "to all that are true and pious in the faith of God's elect in Scotland," exhorting them on their choice of Charles Stuart as king. The general assembly framed an answer and Cromwell replied in a letter to the general assembly. These exhortations, however earnest, were of no avail. The Scots had assembled about 25,000 men, but they were far inferior to the English veterans. The true royalists were either excluded at first or afterwards weeded out, and most of the rank and file lacked both skill and experience. Lennox was once more commander-in-chief, but his lieutenant-general David Leslie really directed operations. It was resolved to stand on the defensive after wasting the region through which the invaders had to pass, and the peasants were induced to quit their homes by fearful tales of English cruelty.

The English could not thus be arrested, for their ships commanded the sea and ensured supplies to their army. In a week Cromwell reached the neighbourhood of Edinburgh. Leslie had taken an admirable position, where one flank was covered by Edinburgh and the other by Leith, both fortified

¹ *Widdows, Cromwell*, pp. 470-482; *Leslie, Memoirs*, I, 129-30.

towns, and his front by entrenchments garnished with artillery.¹ Then he lay immovable and would not be lured forth by Cromwell's manoeuvres. Charles came to inspire his friends, but was presently driven away by the constancy of estates. The spirits of the ministers rose and they dictated a new purging, which weakened the army by 5,000 men. Cromwell who needed a safe harbour for the ships which brought him food, fell back to Dunbar. When he had provisioned himself he retraced his steps towards Edinburgh, with the intention of passing round the city and seizing Queensferry, so as to cut off Leslie from supplies and oblige him to offer battle. In pursuance of this design Cromwell removed his quarters to Broad Hill, south of Edinburgh. Knowing that there was dissension in the Scottish camp, he wished to hope that one of the parties might negotiate with him, but Charles appeared still for the moment by a declaration which bewailed his father's resistance to reformation and his mother's idolatry. When at last Cromwell threatened Queensferry, Leslie had taken as Cramondine, west of Edinburgh, a position too strong for attack. Success was threatening the English army, and on August 31 Cromwell began a second retreat to Dunbar.

Dunbar stands on a narrow space between the Lammermuir Hills and the sea. Cromwell arrived on September 1 and encamped his troops on the low ground near the town, while Leslie took post above on Doon Hill, the last spur of the Lammermuir, and sent a force to seize the defile of Coddumspath, some miles beyond Dunbar on the road to England. Cromwell was in a dangerous position. His effective men were reduced to 11,000, perhaps one-half of Leslie's strength. To fight his way through was difficult; to stay long at Dunbar in the presence of a superior army was impossible; and there was not ships enough to carry off all his men, even if they were not reduced while embarking. Fortunately Leslie did not slide on his vantage ground, where he had neither shelter nor water. Assured of victory and fearing only lest the enemy should escape, the constancy of estates and the ministers of the Kirk incited upon action, and on the 3rd Leslie gave orders to descend with the purpose of fighting the English as soon as possible.

¹ *Disciplin, Letters and Speeches of Oliver Cromwell*, Letter xxviii.

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The armies were separated by a stream known as the Breachers, which comes down from the hills to the sea, about a mile and a half south of Dunbar. When it traverses the high ground it runs in a deep dell, but as it approaches the coast the banks fall away and it can readily be crossed in several places. At the point where it intersects the road to Barwick, named Breachers' House, which the English held as an outpost. To the south of the stream, Leslie descending from the hills spread out his forces so as to front the road which the English would have to follow, but his left wing was cramped by the ravine of the Breachers. Desperate as Cromwell's case seemed, he was resolved to attack, and to concentrate his force upon Leslie's right wing, for if he were victorious there, the rest of Leslie's army, crowded between the hill and the burn, would have no room to reform. At a council of war that night, some officers proposed that the foot should be sent away by sea and that the horse should try to break through the enemy. But Lambert, to whom Cromwell had communicated his design, opposed the suggestion and prevailed on the council to vote for an attack.

Before daybreak on the 3rd, three regiments of horse and two of foot were sent across the Breachers to cover the passage of the rest, and performed their task without much difficulty. For the Scots after one or two false alarms had concluded that the English would not attack in such tempestuous weather, and were not on the alert. Many of the cavalry had unsaddled their horses, most of the infantry had not their matches lit, and a number of officers had quitted their posts to find shelter from the rain. The rest of the English followed across the Breachers, and Cromwell marshalled his whole army with its rear to the sea and its front to the hill, a position which left no alternative save death or capture. On the left, Lambert, with the best part of the cavalry, and in the centre Monk with the infantry, began the attack. The Scots, at length fully roused, confronted them with equal courage and greater numbers. The English were giving way when Cromwell brought up the reserves and renewed the onset. The Scottish right was broken, the infantry of the Scottish centre gave way before the cavalry charging them in flank, and the whole Scottish host fell into wretched ruin. "Let God arise, let His enemies be scattered!"

exultant Cromwell, as the sun rose on that field of havoc. A OFFICER
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 fence close for many miles gathered in all the fruits of victory. The Scots lost 1,000 men slain, 2,000 prisoners, nearly 200 colours, 15,000 stand of arms, and all their baggage and artillery. The English loss seems to have been insignificant.¹

Cromwell allowed the country people to retrieve such of the Scottish prisoners as were wounded and sent the rest to England. Some perished by the way of hunger and fatigue; more died of sickness in Durham, where they were confined; and the rest were sent to serve the New England colonists, who used them not unkindly. During required freedom of movement, Cromwell advanced from Dunbar for the third time, and entered Leith and Edinburgh without resistance, although the castle still held out. Leslie, with perhaps 4,000 fugitives, retreated towards Stirling, and the stubborn Scots, not crushed although defeated, began to raise a new army. But the spirit of their warriors was changed. As Cromwell wrote: "Surely it's probable the kirk has done their do, I believe their king will set up upon his own acorn now, whaen he will find many friends."² In an age when every system or defeat was deemed the immediate and visible judgment of Heaven, the rout of Dunbar shattered the ascendancy of the covenanters. Their purgings of the army, their distrust of the king, their assurance of victory had been judged by the God of battles, and they could avert worse calamity only by allowing all who would do so to join in the defence of the country. The old followers of Hamilton began to cherish new hopes, and Charles could not conceal his joy at the worst overthrow which the house of Stuart had ever experienced.

He tried to lure Argyle into an alliance with the Hamilton party, and he arranged with the royalists of the north to rise in his defence in October. The project having come to the ears of the committee of estates, they enforced a new purging of the royal household and bodyguard. Charles fled from Perth to join his friends, but was overtaken and brought back. This

¹ Cromwell's measures of the battle *Karl's, Letter and Speeches of Oliver Cromwell*, Letter vol. is brief and general. Professor Firth, *Transactions of the Royal Historical Society*, R.H.S., vii, has analysed all the possible evidence and reached results differing from those of previous historians, but accepted by Gairdner.

² *George, Letter and Speeches of Oliver Cromwell*, Letter vol.

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incident, which became known as the *Shot*, led the committee to take a colder tone and grant an indemnity to those who would have risen on the king's behalf. The more rigid covenanters, led by Colonel Ker and Stanahan, then put forth a remonstrance to the effect that they would not fight for the king until he had proved his repentance and repelled the malignants. Yet they would have nothing to do with Cromwell, who advanced to Glasgow in the hope of an understanding. He returned to Edinburgh, but finding that the western associations were still troublesome, he took the field again in the depth of winter. A skirmish at Hamilton, on December 1, ended in the surrender of Ker and Stanahan and the dispersal of their followers. On December 24 Edinburgh Castle surrendered, and the English became masters of all the south of Scotland.

Such was the singular position of Charles that every stroke increased his power or, at least, his freedom. The parliament which met at Perth in November still professed devotion to the covenant, but welcomed any-old parties of the engagement who would take it. Many of the clergy gave way and consented to the pardon of those who needed repentance. On January 1, 1651, Charles was crowned at Scone with such splendour as the time allowed, and again swore faithfully to observe the covenants. As the returning engagers became more powerful in the court and army, Argyle felt so ill at ease that he retired to his castle of Inverary. The Duke of Hamilton, formerly Earl of Lanark, and other engagers openly possessed the ear of the king. In a new session of parliament they procured the repeal of the act of classes, thus admitting their followers once more to public life and the service of the crown. Since the engagers would be able to act with the English royalists far more cordially than the strict covenanters, Charles became more dangerous than ever to the commonwealth.

In England the royalists had been plotting incessantly, but their secrets were not well kept, and from time to time some of the conspirators were arrested. A few were executed by sentence of court-martial or of the high court of justice. In January it became known that a general insurrection had been planned to break out at the end of the previous year, and was only deferred to some favourable opportunity. Thomas

Coke, a royalist agent, who was arrested in March, turned informer to save his life, and mentioned a number of puritanical ministers as foremost in the conspiracy. Three of them, Case, Jenkins, and Love, were arrested, and Love was tried and condemned by the high court of justice in July. After much hesitation, he was executed on August 22. Many suspected persons were thrown into prison, the militia was held in readiness, and Harrison was sent to the border to repel royalist invasions. At the end of June Leslie chose a strong position at Torwood, a little north of Falkirk, where he could cross Stirling and defy all the efforts of Cromwell to bring about a battle. Cromwell resolved to dislodge the Scots by cutting off their supplies, which they drew mainly from Fife. Having command of the sea, he occupied North Queensberry, and sent part of his army across the Firth of Forth in charge of Lambert. Leslie detached against Lambert a force of 4,000 men under Sir John Brown, but it was defeated and almost destroyed at Inverkeithing. Cromwell then crossed with the main body and marched against Perth, which surrendered on August 2. The necessity of forcing the war to an issue before his soldiers should be consumed by the hardships of another winter campaign, outweighed in his judgment the risk of leaving England open to a Scottish invasion.¹

As the Scots could no longer remain in their position, and were not strong enough to encounter Cromwell, Charles resolved to throw himself upon England and trust to the chance of a general change. Although he could not persuade Argyll or the genuine covenanters to take part in the adventure, he broke up from Stirling on July 31, and marched rapidly southwards with 20,000 men. Cromwell sent Harrison instructions to hang on the flank of the invaders and harass them in detail. Despatching Lambert with 3,000 horse to follow in their rear, and leaving Monk with a force sufficient to besiege Stirling, he set out from Leith on August 6 with the main army. The crowd of state embodied the militia of the counties on the invaders' line of march, and raised 2,000 horse and 3,000 foot for the defence of London. Meanwhile Charles pressed on by Carlisle and Lancaster, and brushed aside Harrison and

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¹Earle, *Letters and Speeches of Oliver Cromwell*, Letter clxxx., clxxx.

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Lambert, who had joined in withstanding him near Warrington, few Englishmen, however, would consent to share his fortunes. The Earl of Derby left his island of Man with a few soldiers, and tried to ride Lancashire for the King. He succeeded in collecting some 1,500 men, but they were routed near Wigan by Colonel Lambert. Those who were not killed or taken dispersed, and the earl, wounded and almost alone, fled southwards to join his master. Now did Charles find more encouragement as he passed through the counties bordering on Wales. When he reached Worcester on the head with a tired, disheartened, and diminished army, he could go no further, and sat down to fortify the city.

He was allowed short space for rest or reflection. Taking an easterly route through Northampton and Yorkshire, Cromwell pushed forward with his accustomed speed, and joined Lambert and Harrison at Warwick only two days after Charles entered Worcester. With the militia regiments which had come in, he could dispose of 25,000 men. The Scottish generals having a garrison in Worcester, quartered the bulk of their army on the western bank of the Severn, so as to keep open their communication with Wales, the only region likely to afford them any success. Cromwell, who wished to cut the Scots off from Wales, sent part of his troops under Lambert and Fleetwood to cross the Severn at Upton, a few miles below Worcester, while he held the main body in readiness to assault the city from the east. A bridge of boats was then laid across the river Teme, which barred the march of Lambert and Fleetwood up the valley, and another bridge was laid across the Severn, so as to afford a shorter communication between the two hosts. During these preparations Cromwell was joined by 3,000 more militia, raising his total strength to almost twice the strength of the enemy. On the afternoon of September 3, exactly a year after the victory of Dunbar, everything was ready for the double attack.

Charles had but one advantage, his original position. The fight first raged beyond the Severn, where the Scots made an obstinate resistance, until Cromwell reinforced Fleetwood so strongly that they were driven back into Worcester. From the top of the cathedral tower Charles could see how much the enemy on the eastern bank was reduced in number, and he asked

the moment for a vigorous rally. At first he gained ground, but Cromwell soon returned with overpowering numbers, forced back the Scots, and stormed his way into the city. The Scots fought desperately, rallying again and again, and replying with shot to Cromwell's own offer of quarter. At length the Scots laid down their arms, and the horse burst out of the gates, Charles himself, and Derby, and Hamilton, and Lauderdale among the crowd. But the homeward way was too long, the country people were too bitter against the invaders, and the officers of the parliament too watchful, for many to escape.¹ Hamilton died of his wounds, and Derby and Lauderdale yielded themselves prisoners. Derby was condemned by court-martial at Chester and sent for execution to Bolton-in-Moors. Lauderdale remained in the Tower until the restoration. Charles, after passing through strange hazards, and proving the genuine faith of many obscure men and women, made his way to Brighthelmston,² and thence in a small barge to Falmouth, in Normandy, where he landed on October 25. The prisoners of the rank and file had various fortunes. Many were put to forced service at home, or in Barbadoes, or in New England; while some were allowed to return to their own country.

Scotland, having lost three considerable armies within four years, was exhausted and could no longer defend its independence. Monk had received the surrender of Stirling Castle on August 14. One of his officers surprised Lennox and the committee of estates at a conference in the little town of Alyth, and took them all prisoners. On September 1 Monk stormed Dundee, putting to the sword most of the garrison and some of the citizens, and making a rich booty. Before the close of the year all the lowlands had been subdued with the exception of a few castles, and the last of these, the well-nigh inaccessible Duncannon, capitulated on May 26, 1652. Even Argyle, who had hoped to regain his old position as ruler of Scotland with English support, yielded to the common destiny, and allowed the parliamentary commanders to garrison his castles. Some time elapsed before the highlands were thoroughly subdued. The parliament passed an act to incorporate Scotland with England, and the union was proclaimed at Edinburgh in April.³

¹ Carlyle, *Lives and Speeches of Oliver Cromwell*, Letters, cxxxii., cxxxiii.

² *See* Brighton. ³ *Cromwell's Journals*, vi., 107, 108.

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The Scots generally were to enjoy the rights of English subjects and full freedom of conscience. The estates of those who had taken part in the invasions of England were confiscated to defray the expenses which they had caused, but their tenements were allowed to hold of the commonwealth at easy rents. When the English admired their own generosity in treating the conquered as fellow-citizens, the Scots denoted the domination of the old enemy, and the Kirk withered under a toleration conferred by those very heretics whom it had so long laboured to destroy.

The conquest of Ireland had not been stayed by the departure of Connerell. The Ulster army, the last Irish force worthy that name, was routed at Scambothin, in Donagel, on June 21, 1642, and its commander, the Bishop of Clogher, was taken and put to death. Waterford surrendered to Lucius on August 5. The Irish still held the line of the Shannon, with Adilone and Limerick, but they lacked direction worse than ever. Connerell had so completely lost credit that in August he was deposed from his office by the bishops assembled at Jamestown. Finding that he could do nothing more, he named the Catholic Earl of Clarendon his deputy, and relied to Francis Clarendon wielded no more authority than his predecessor, and the bishops formed the only real government, a government with no wage a struggle for national existence. Within the English bounds small parties, availing themselves of the woods and bogs, and assisted by the goodwill of the peasantry, continued to wage a guerrilla warfare. Unable to catch these nimble adversaries, the English sought to starve them out by destroying houses and crops, so that the dearth which had long afflicted the country became more severe, and fever and pestilence spread in its train. Whole districts were left unpeopled and unfilled, and the conquerors were often hard beset for daily food.

When summer returned a force from Ulster took Adilone and invaded Connaught, while Ireton prepared to besiege Limerick. The city was strong and well supplied, and Hugh O'Neill, its governor, gave proof of the same skill and courage which he had shown in the defence of Clontarf. All attempts to carry Limerick by storm having failed, Ireton determined at the end of June to starve it into surrender. Month after month

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passed away; the plague made fearful ravages within the walls; the besiegers at last found a spot from which their batteries could do execution, and strife between the defenders rose to a height which made further resistance impossible. Articles of capitulation were signed on October 29, 1651. Lennox, who died of the plague a few days afterwards, was honoured with a sumptuous funeral and a grave in Westminster Abbey. The commissioners appointed to help him in the civil administration named one of themselves, Major-General Ludlow, to command the army until the pleasure of the parliament should be known.¹ Clarkrache tried to negotiate, but Ludlow would only hear of unconditional submission. All through the winter and spring the districts which still held out were wasted with fire and sword. On May 12, 1652, Galway opened its gates, and the chiefs of the last Irish force in Leinster accepted the articles of Kilkeny, which became a precedent for future capitulations. Great numbers of Irishmen, it is said 30,000, securing submission to the hated foreigner, gained leave to go abroad and recruited the armies of the catholic powers. The state of Ireland was such as could be paralleled only by the state of Germany at the close of the thirty years' war. Petty reckoned that since the beginning of the rebellion the population had fallen from 1,060,000 to 890,000.² He might exaggerate, for he had no trustworthy data, but the loss of life had certainly been enormous. Miserable as was the condition of the Irish catholics, the future afforded them no comfort, for the parliament had bound itself to effect an immense confiscation of lands belonging to the rebels, and was disposed by feelings of revenge and precaution to go even farther.

While the commonwealth was subduing Ireland and Scotland, it asserted with equal vigour the dominion of the sea. At the time of the execution of Charles I. the royalists held a number of naval strongholds, the Isle of Man, the Solity Isles, Jersey, and in Guernsey Castle Cornet. They also possessed a respectable fleet. After escaping from Kinsale in November, 1649, Rupert reached the Lisbon, confident that King John IV.

¹ Ludlow, *Memoirs*, i, 299.

² Petty, *Political Anatomy of Ireland*. The estimate includes the losses of the parliament, which he places at 25,000 for the first year and at 20,000 for the whole period.

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would befriend the enemies of a regicide republic. The king granted the hospitality which he sought, but in March, 1650, Blake appeared at the mouth of the Tagus in pursuit of Rupert. For some time both fleets lay near each other in the estuary while John hovered between the claims of honour and of prudence. At length he resolved to continue his protection of Rupert, and Blake received orders to treat the Portuguese as enemies. The Spaniards, who regarded them as rebels, allowed Blake to supply his wants from Cadiz and Vigo, thus enabling him to keep his vessels at the mouth of the Tagus. Twice Rupert strove to escape, but, finding the enemy on the alert, came back with little loss. In September Blake intercepted the Small fleet on its homeward voyage, taking the flagship and seven other vessels with valuable cargoes. Then, as the time was approaching when the ships of that age could no longer keep the sea, he sent part of his fleet home with the prizes and with the rest sailed for Cadiz, where he found a friendly reception.

On October 12 Rupert left Lisbon for the Mediterranean, making or destroying on the way such English ships as he could find even in Spanish ports and under the fire of Spanish batteries. When he had entered the Straits Blake pursued. Some of Rupert's ships were taken, others were wrecked close to Carthage, and only three reached Toulon in safety. There Rupert was able to collect and augment his little squadron, Blake returned home to receive the thanks of parliament, and Penn succeeded him in the Mediterranean. In the following summer Rupert, having misled Penn by circulating a report that he would sail for the Levant, contrived to slip out of the Straits unwatched. It was his design to strike for the West Indies, where the royal cause had many friends and to establish a new base of operations in those distant waters. But his career proved to Roger near the Azores in the hope of making peace, and Rupert, who had no resource save as *phoenix*, was constrained to humour their desires.¹ When there was no longer any hope of relief the island fortresses around Britain were easily subdued. The Bolly Isles surrendered to Blake in May, 1651, the lake of Man was conquered with ease after

¹See Rupert's voyage on Whitman, *Memoirs of Prince Rupert*, iv., 129 et seq.

the death of the Earl of Derby; Jersey and Castle Cornet were gained in December.

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The English colonies beyond the Atlantic had flourished so greatly since the first establishment of Virginia and Massachusetts that their existence was already a matter of some consequence to the government at home. The Bermudas were settled by the Virginia company as early as 1612. In 1623 Thomas Warner founded the English dominions in the West Indies by occupying St Kitt's, and although the English had to share the island with French adventurers and both were almost ruined by a Spanish onslaught in 1629, the colony survived. Starting from St Kitt's, the English settled Nevis in 1628, Antigua and Montserrat in 1632. Most prosperous (that is, say of these settlements) was the plantation of Barbados, begun in 1627 by Sir William Courten, a wealthy Londoner of Flemish descent. In 1642 this little island is said to have already numbered 20,000 free inhabitants. Still more notable was a new colony on the mainland of America. Sir George Calvert, who had served James I. as secretary, resigned his office a short time before the king's death, avowed himself a Roman catholic and was created Lord Baltimore in the king's grants. Desirous to make an asylum for those of his own faith, he obtained from Charles I. a charter empowering him to settle the region north of the Potomac and investing him with almost sovereign rights over the settlers. A devout virginian in its terms made religious toleration possible. Baltimore styled the colony Maryland in honour of the queen, and his own memory is preserved in the name of its greatest city. Among the first settlers who came out in 1634 were some protestants, but the majority was naturally catholic. Before the outbreak of the civil war, the settlements of Rhode Island, Connecticut, Maine and New Hampshire had also been formed.

The New England colonies were instinctively loyal to the commonwealth; but in Maryland and Virginia, in Bermuda, Antigua and above all Barbados the royalists were the stronger party, and were reinforced by a stream of exiles from the mother-country. Lord Willoughby of Parham, who had forsaken the parliament, received the commission as governor from Charles II. and reached Barbados on April 29, 1650. A few days afterwards King Charles was proclaimed and the Prayer Book

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declared to be the only pattern of true liberty in the colony. Willoughby could not even restrain his friends from launching a large number of their opponents. Parliament passed an act to forbid trade with the rebellious colonies, and equipped a squadron under Sir George Ayscoe for their reduction. The assembly of Barbados replied with a declaration refusing obedience to a parliament in which the colonists were not represented and claiming the right to trade with all nations. When Ayscoe reached Barbados in October, 1651, he found the island so well fortified and such a force under arms that he dared not attempt a landing. But when it became known that the Scottish army had been destroyed at Worcester and that Charles was a fugitive, the wiser republicans persuaded their friends to treat while reasonable terms might yet be obtained. By articles of agreement made in January, 1652, the Barbadians acknowledged the authority of parliament, and in return were promised freedom of conscience and of trade with all friendly nations. The other islands followed the example of Barbados, and Virginia and Maryland made their submission in March. On his arrival in the West Indies some time later Popert could effect nothing beyond the capture of a few prizes. After losing his brother Maurice in a hurricane off the Virgin Islands, he sailed for Europe, put into the mouth of the Loire, and ended his long voyage at the little port of Nantes.

CHAPTER XVII

THE ESTABLISHMENT OF THE PROTECTORATE.

ALL that arms could do to establish a new polity had been achieved by the rules of the commonwealth, but their work was not likely to endure unless it could gain the approval of the nation. The nation was not really represented in parliament. Even when many of the excluded members had been allowed to return and new members had been elected for places known to be legal, the house contained a mere fragment of a representative body. Feeling that resistance could not end thus, it then discussed projects for its own completion or renewal. A committee appointed in May, 1653, to consider the subject reported in favour of filling up vacancies rather than holding a general election, and even this much was not executed. While war still raged in Britain there was a plausible excuse for doing nothing. But the victory of Worcester removed this excuse and left the army free to interfere in politics. The soldiers would scarcely endure that the handful of public men whom they alone kept in power should continue to govern the three kingdoms for an indefinite time. Cromwell was known to desire a new parliament, and with his support a bill was brought in to fix the time for a dissolution. As the bill passed, the date named was November 3, 1654, which gave the parliament three years' prolongation of authority. Many opponents of the commonwealth began to murmur against the rule of a single assembly without check or counterpoise, and at a conference of officers with members of parliament held in December, 1651, Cromwell frankly declared that "a settlement with consent of a monarchical power in it would be very officious"; unresisted words, the first fringes of a new political revolution.¹

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¹ *Winstanley, Cromwell*, p. 287.

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The house could still allege reasons to justify its retention of power. All that had been won in the civil war might have been haunted by a general distrust at a time when the people had felt little more than bitterness and contempt inspired by the new government. In order to subdue Ireland and Scotland, to stem the sea of enemies, to restrain the universally continental powers, and to extinguish all hope of successful revolt at home, the commonwealth was forced to maintain a great army and navy at a charge hitherto unprecedented. In 1651 the public expenses amounted to £1,250,000, or twice the total revenue of Charles I. in his most prosperous years. It was necessary, therefore, to continue the extraordinary taxes first imposed in the civil war, the excise and the monthly assessments. Against the royalists the parliament took measures of protection, which must have been unpopular. When alarmed by the negotiation between Charles and the Scots, it passed an act requiring all men to take the engagement to be faithful to a commonwealth without king or house of lords. When royalist complaisance became numerous, it does not leave them to the verdict of a jury, but reserved the high court of justice. In July, 1651, it passed an act condemning the estates of severity of the most distinguished and obstinate royalists, including some who were not then in arms against the commonwealth. Although it passed in the following February an act of oblivion for all treasons and felonies committed down to the date of the battle of Worcester, this act did not release the lords under sequestration. Always feeling insecure and always in want of money, the parliament continued its harshness towards delinquents when lenity might have proved wiser as well as nobler.

The press also excited the jealousy of parliament. The censorship of the Press, established by Star Chamber ordinance and enforced by Star Chamber jurisdiction, had expired with the abolition of that court in 1641. There existed such an outbreak of political literature as had never been known in England. Many hundreds of the pamphlets then published are still preserved in the great Thomason collection. Although the earliest English newspaper dates from the beginning of the thirty years' war, it was then that newspapers first became a political power. An order of parliament for the publication of

its proceedings gave them new matter and the outbreak of the civil war made them doubly interesting. In 1642 at the request of this liberty the house passed in 1642 a restraining ordinance, which called forth the most famous of Milton's pamphlets, *Areopagitica, a Speech for the Liberty of Unlicensed Printing*. Another and a sadder ordinance passed in 1647 was not more effectual. An act of 1643 confined printing to London, York, Oxford, and Cambridge, and the importation of books to London. Yet no man seems to have suffered under any of these restrictive penalties comparable to those which the Star Chamber had so often inflicted, nor did they avail to silence the royalist press. Their vanity was shown by the success of a book which appeared a few days after the execution of Charles, *Eden Barbedale, The Portenture of his Sacred Majesty in his sickness and sufferings*. Written by John Gorton, a clergyman who was afterwards reconciled with the church of Worcester, it professed to be the king's record of his spiritual experiences and exhibited him in the light of an ideal sufferer. A modern reader may feel disappointed with *Eden Barbedale*, for its section is querulous and apologetic. But a book which hits the sentiment of the hour is certain to succeed. *Eden Barbedale* is said to have gone through fifty editions in one year, and its effect was little impaired by the answer which Milton wrote at the prompting of the council of state and entitled *Blasphemy, or the Improbationer*. In 1645 the parliament took a further means of defence against royalist pamphleters by founding the first official newspaper, the *Mercator Politicus*, edited by Marchmont Nedham, a cynical baronet, but a journalist of unquestionable talent.

Many rashness measures were prompted by the public spirit. The rulers of the commonwealth showed little respect for the fine arts or sympathy with popular amusement. The noble collection of pictures formed by Charles I. was sold, and many splendid works were lost to England for ever. More than once it was resolved to pull down some of the cathedrals, in order to sell their lead, timber, and stone.² The old church festivals, associated as much with the pleasure as with the devotion of the people, might no longer be celebrated. The theatres were shut, and the players were treated as rogues and

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² *Commons' Journals*, vi., 225.

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vagabonds. A disease hitherto unknown began to afflict open English life. The puritan, who drew his ideal of society from the Old Testament, was always ready to believe that leprosy and contagion could be cured by penal laws. Although the independents were hostile to that ecclesiastical discipline which the Kirk cherished in Scotland, although the parliament had suppressed the ecclesiastical courts, this tendency under the commonwealth became stronger than ever. Acts were passed to enforce the observance of the Lord's Day, and to correct profane swearing. Incest and adultery were made capital offences, and fornication was punished with imprisonment.¹ How far such laws would make a people virtuous was seen a few years afterwards, but it is certain that they must have made many enemies to the government.

The parliament would best have justified its retention of power had it vigorously engaged to reconstruct what ten years of civil war and revolution had destroyed; but even in the Church no new order succeeded the old. When England joined Scotland in the Solemn League and Covenant, many hoped to establish presbyterianism. The assembly of divines framed a presbyterian organisation, which parliament sanctioned by ordinance in 1643. The strife between presbyterians and independents hindered this ordinance from receiving due effect, and the final victory of the independents extinguished the hope that England would ever become presbyterian in the same sense as Scotland. Both parties were agreed in hostility to bishops. Episcopacy was abolished by ordinance in 1646, deans and chapters were suppressed by an act of 1649, and the episcopal and capitular estates were in large measure sold to private purchasers. The presbyterian organisation was never extended over the whole kingdom or completed in any large portion of it, although more advanced in London and Lancashire than elsewhere.² The Westminster assembly drew up a presbyterian form of public worship, the directory which was adopted by parliament in 1645, when the use of the Prayer Book was forbidden. Those who could not dispense with the Prayer Book had thenceforward to assemble privately if they would be safe from inter-

¹ Mitchell, *h.*, 219, 221, 225.

² For the extent to which the presbyterian system was actually established see *ibid.*, *History of the Church of England*, *h.*, i. 22.

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rapists. In 1534, however, the parliament repealed all acts imposing penalties on those who failed to attend the parish church if they attended divine worship in some other place.¹ The repeal did not benefit the Roman Catholics, since the subscription of mass still remained unlawful, but it would benefit the Anglicans who met together to enjoy their own liturgy. The Westminster assembly also drew up a presbyterian statement of doctrine, the famous Westminster confession, but this was not adopted by parliament and never became binding. Throughout England the presbyterians divided the parish churches with the baptists and the independents. Under the commonwealth, therefore, there prevailed no uniformity of doctrine, worship, or discipline, but a large although ill-defined freedom of religious belief.

Freedom encouraged diversity, and some of the new opinions gave general offence. John Bede taught Socinian doctrines and the parliament ordered the Socinian books to be burned. George Fox and his disciples assailed judges and magistrates by refusing to comply with the ordinary forms of deference, and ministers by denouncing all who accepted a maintenance out of tithes and by disturbing the course of public worship. A sect known as the Ranters held that to persons in a state of grace all things were lawful. As the parliament was unwilling to sever the connexion between Church and State or to grant absolute liberty of conscience, it should logically have undertaken anew the reorganisation of the Church of England and determined what opinions might or might not be tolerated. But, overburdened as it was with secular affairs, it shrunk from a task so heavy and invidious. At length in February, 1652, it named a committee for the propagation of the Gospel. John Owen, whom the parliament had appointed Dean of Christ Church, Oxford, and other clergymen laid before the committee a plan for an established Church. All who could find testimony of their piety and soundness in the faith were to be eligible as ministers. Persons who dissented from the Church, but accepted the fundamental doctrines of Christianity, might worship in their own way, but were required to notify the magistrate of their place of meeting. Those who rejected the doctrines

¹ *Statute*, *l.*, 132.

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deemed fundamental were not to have the liberty of propagating their opinions. The convention did not, however, adopt this or any other scheme.

A political revolution which opens new prospects and unsettles the minds of men often arouses the desire for reforms not strictly political. In England under the commonwealth a reform of the law was generally desired. Some regarded all institutions which had come down from the middle ages as relics of the Norman conquest and badges of slavery. A few wished to replace the common law by the law of Moses. Many men grumbled at abuses in detail, and at the delay and expense in the administration of justice, especially by the court of chancery. The faults of the law were more keenly felt, because the civil wars had disturbed commerce, depreciated property, and multiplied insolvent debtors. In this field something was achieved by the parliament. It passed an act to relieve poor men imprisoned for debt, it resolved that all legal proceedings should be conducted in English, it provided that the judges should in future be paid not by fees but by salaries. In January, 1652, it named a named commission of lawyers and laymen to consider what reforms were most urgently needed in the law. The commission worked hard and drafted various projects of reform, which parliament discussed but never passed into statutes.¹ That some of these proposals deserved a better fate would appear by the fact that they were adopted nearly 200 years afterwards.

Thus the parliament failed to seize the opportunity for such great constructive measures as might inspire public opinion. The form of the constitution, which excluded the supremacy of any master mind, was adverse to legislation on a magnificent scale. In administration the chiefs of the commonwealth were more efficient. The vigour and success with which they waged war by sea and land afforded a strong presumption that they were for the most part upright and laborious. Nevertheless there were men in the parliament and the council of state who enriched themselves by speculating in confiscated lands or by downright corruption. Under James and Charles luxury had been matter of course, and the public assumed almost without

¹ For the history of law and law reform under the Commonwealth see F. A. Anderson, *The Indispensable* generally.

indignation that citizens were as a rule loyal. It judged very differently a new government which had been established by force and imposed enormous taxes. The royalists were quiet because bitter experience had taught them how little they could do against regular troops, but they only waited for an opportunity to revolt. Democrats like *Liberté* complained that the parliament was making itself perpetual, that it outraged the sovereignty of the people and interfered with the course of justice between private persons. Royalists like Harrison felt that the reign of the rebels was as distant as ever. The generally dreaded another civil war, but had no positive affection for their rulers. The parliament continued to depend for power upon an army which was becoming more and more restless and dissatisfied.

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The parliament wished to interfere in the contest between France and Spain, but scarcely knew which side to take. It had grievances against both parties. France still refused to recognise the commonwealth and still harboured the Stuarts. French men-of-war and privateers still preyed upon English shipping. Spain had recognised the commonwealth, and had turned its wish for friendly relations. When Charles sent Cottington and Hyde on an embassy to Madrid, Philip IV. received them coldly and shunned any engagement. Yet the friendship of states which had so little in common as England and Spain was frail and precarious. In May, 1650, Anthony Ashmole, the English resident at Madrid, was murdered by some English cavaliers who took sanctuary. As the benefit of sanctuary did not extend to homicide, they were haled off to prison; but the Church claimed its privileges, and all that Philip would concede to the English demand for justice was the execution of the one protestant in the land. The others were restored to the sanctuary, whence they afterwards escaped. The injury and the affront, gross in themselves, were enhanced by the fact that the diplomatic agents of the commonwealth, as the title of *Dorland* had shown, were everywhere in peculiar danger of assassination.¹

The Spaniards never scrupled to destroy the settlements or to interrupt the trade of other nations in the West Indies.

¹ See the *Florida Papers*, I., 148-150; and for the spirit in which the republicans and the Spaniards regarded the fleet, *Chambers, History*, *loc. cit.*

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Since the conclusion of the peace of 1630 they had slain or expelled the Englishmen who sought to colonise the vacant islands of Tortuga, Providence, and Santa Cruz. They confiscated the English ships driven by stress of weather into their West Indian ports and set the sailors to work on the fortifications. The Spaniards were the traditional enemies of protestantism and would not allow English residents to worship in their own way even in their private houses. This consideration might have been thought decisive with a papist government; yet many papists held that the interests of religion would be best served by an alliance with Spain. The King of Spain might be a bigot, but he had no protestant subjects. The French protestants enjoyed a full legal toleration, but found its benefits constantly curtailed by the ill-will of the authorities in Church and State. To secure them in the full enjoyment of their liberty might seem within the power of England at a time when the French government could hardly maintain its ground against Spain and the rebellious nobles. Among these nobles the Prince of Condé held the first place by virtue of his royal blood and his passion for war. He was powerful in the south-west of France where the Huguenots were especially numerous, and he sought help from England which Cromwell and others in the council of state were half disposed to grant if they could thus serve the Huguenot interest. They sent Vane to confer with De Retz, the most astute among the leaders of the Fronde, and Lieutenant-General Saxby to Bordeaux that he might report on the plans and resources of the rebels, but for some time they took no further action.

In the beginning of 1632 they were distracted by an overture from Mazarin. Dunkirk, which the French had won from the Spaniards at an earlier period of the war, was recaptured by the Spaniards and in extreme peril. Mazarin knew that England had not ceased to regret the loss of Calais or to desire a stronghold on the continent for commercial as well as military reasons. He began an informal negotiation for the surrender of Dunkirk to England in return for English help against Spain. Cromwell and his friends welcomed the offer, and in April, 1632, 5,000 troops were concentrated at Dover in readiness to embark for Dunkirk. Yet no ruler of France could wish to see the English established in a fortress on the very border, and at

the last moment Marcellin drew back. In May he offered that France would recognise the commonwealth, if England would recall the letters of reprisal issued against French shipping, but made no reference to Dunkirk. The English government would concede nothing until it had been recognised and had Marcellin's agent quit the country.¹ Thus the outbreak of war between England and Holland ended far a tone all thought of a French alliance.

The causes of the first war between England and Holland were partly recent, partly of old date. So long as the two kindred peoples had been battling for freedom against Spain, they had been allies and friends. When the English had made peace with Spain, and became rivals with the Dutch for the commerce of the East Indies, a bitter jealousy arose. The mastery of the Spice Islands was the first object of contention. By a treaty concluded in 1607 the trade of those islands was divided between the Dutch and the English East India Company. As neither state maintained a public force in those remote waters to control or protect its own subjects, the Dutch Company, which had far greater resources than the English, determined to expel its competitor altogether. In 1607 the Dutch seized Pelamora, one of the Banda Islands. In 1619 certain Englishmen charged with conspiring to surprise the castle of Amboyna were arrested, were cruelly tortured to extract a confession and were finally put to death.² Redress was demanded again and again by James and Charles, but without effect, as they were either unable or unwilling to make war. The English were driven from the Spice Islands and the Dutch gained a monopoly of their precious harvests. The East Indian lay so far beyond the range of common thought that the injury and dishonour were little heeded in England. Civil and religious disputes absorbed the public to such a degree that for many years few Englishmen concerned themselves with questions of foreign policy.

The revolution which set up a Calvinist republic in England

¹In this effort consult Gifford, *History of the Commonwealth*, etc. vol., and the article, "Gronowit and Marcellin in 1652," *English Historical Review*, vi., 425 (1895), by the same writer, and the authorities therein cited.

²These incidents are fully described in Hunter, *History of British India*, I., 327-328.

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embodied old sympathies with the United Provinces. The death of the Prince of Orange severed the tie between the Dutch republic and the Stuarts. Then the parliament and the council of state conceived the hope of an alliance or even of a political union between the two commonwealths, and in March, 1651, sent the Chief Justice St. John and Strickland, formerly their agent at the Hague, on a solemn embassy to effect this purpose. The States General met the ambassadors in a friendly spirit and proffered a close alliance, but differences arose regarding the terms; the Dutch negotiators were dilatory, the English negotiators were impatient, and at last St. John and Strickland broke off the conference and returned home. St. John at least in a mood of high-wrought personal irritation. It does not appear that they ventured to mention the venerable and farcical scheme for a political union between England and Holland. When the hope of an intimate alliance had vanished, the two republics became less and less friendly. In October, 1652, the parliament passed the Navigation Act, by which no goods might be imported from Asia, Africa, or America save in an English ship or in a ship belonging to the English plantations and with a crew at least one half English, and no goods could be imported from any European country save in a ship of that country or an English ship.¹ Such a law was a direct attack upon the prosperity of the Dutch, who, while they could produce little within their narrow bounds, carried the products of all the world lands. It was, however, so clearly within the rights of a sovereign legislature that it could not have been made a pretext for war.

But the Dutch had other grievances. The English still claimed the sovereignty of the seas which surround Britain. Dutch pride revolted from rendering obedience to the flag of a state which they held inferior to their own in naval power. Dutch custom arose refused to ask leave or to pay tribute for fishing in the North Sea, a prime means of subsistence and wealth to the Dutch people. English merchants who alleged that they had suffered wrongs from Dutchmen obtained letters of reprisal which enabled them to prey upon Dutch shipping. Dutch ships carrying French goods were seized and brought in by English privateers, and the goods were confiscated by the

¹ *Twiss*, 2, 126.

English courts of admiralty, although the ships were captured. For the English held the doctrine then generally admitted that the neutral flag does not cover hostile goods, while the Dutch held the modern doctrine that hostile goods other than contraband of war are safe under the neutral flag. In December three ambassadors came from the States General to effect a settlement of these disputes, and, if possible, to obtain the repeal of the Navigation Act. The English refused to touch that act and demanded a recognition of their right to control the fisheries of the North Sea, as well as satisfaction for wrongs old and new, whether committed in the East Indies or in Europe. Cromwell and three other councillors who were averse to war with a protestant nation did what they could to effect an understanding. But the English claim to the sovereignty of the sea occasioned a conflict which made war certain.

Always cautious, rather than obdurate, the Dutch government gave its officers no distinct orders whether they should strike their flag to English ships or not. Tromp, the greatest of their admirals, declared that he would never fly the mark of deference save to a superior force. Encountering *Blake* in the Downs on May 28, and commanding a much larger fleet, he would not obey Blake's summons, and a fierce combat ensued. Tromp at length retreated with some loss. The parliament sent a commission, of which Cromwell was a member, to inquire into the affair, and they reported favourably to Blake, who had done no more than was expected of every English admiral. The Dutch ambassadors made a final demand for redress of injuries to their shipping, and, as they obtained none, they took their leave at the end of June. Thus began the first Dutch war.¹

Since the Dutch were confessedly the greatest seafaring people in Europe, they might have been supposed rare of victory. Yet in a long series of battles they were seldom successful. Their coast was blockaded, their commerce was crippled, and they were at length forced to accept a disadvantageous peace. For this remarkable issue of the war there were several reasons. The English government had unity and energy in a

¹For the first Dutch war see *Guiliam, History of the Commonwealth, ch. xxx, xcvi., xcv., and Letters and Papers relating to the first Dutch War, 1652-1654*, edited by *Wardlaw and Arden* for the *Early English Library*.

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high degree; the Dutch government had neither. It was a clumsy confederation of provinces; every maritime position had its own board of admiralty; and the common bond formerly supplied by the authority of the Prince of Orange had been wanting since the death of William. The mischief penetrated deeper still, for the ruler's patriotism was often provincial rather than national, and the Zeelanders could not always be trusted to do his utmost under the command of a Hollander. The English commonwealth inherited a fine fleet from Charles I., and the commission for the navy had brought it to a perfection hardly attained at any former time. The English men-of-war were larger, more stoutly timbered, and more heavily armed than the Dutch. In every fight they did terrible execution, and received by comparison little harm. Only in the reserve of trained seamen were the English weaker. The English had a relatively small mercantile marine to protect; the Dutch had to protect the largest in the world. The route followed by Dutch commerce, with the exception of the route leading to the Baltic, passed along the southern or the eastern coast of Britain, and lay open to attack from English ports. Instead of waging war on strict principles of naval strategy, the Dutch admirals were forced to spend their time in convoying large fleets of merchantmen through those dangerous seas. England, despite its flourishing commerce, was still an agricultural country, raising its own food, and supplying most of its wants by native industry. The Dutch territory was so small, and so great a proportion of the Dutch people lived by trade, that any interruption in their command of the sea reduced them to the utmost distress.

When the war began, Blake was sent to drive the Dutch fishermen out of the North Sea, and Aycon was sent to make prize of the Dutch merchant vessels passing through the Straits of Dover. Blake captured the whole squadron which guarded the herring boats, sent the herring fishers home, and went on to secure a Dutch fleet from the East Indies, which was returning by way of Scotland. Tromp used the opportunity given by this dispersion of force, and tried to attack Aycon, but was baffled by contrary winds. Then he pursued Blake to the Shetlands, and was again baffled by a storm which wrecked some of his vessels and scattered the rest. But in August, De

Bayter, who was conveying a number of merchantmen down the Channel, met *Ayaz* off Plymouth, and gained a victory. The Dutch government, viewing Tromp with suspicion as a partizan of the house of Orange, displaced him for an ill-repute which was not his fault. Admiral de With took command of the fleet, and suited to effect a junction with De Ruyter, while Blake sailed to join *Ayaz*. Thus the forces on both sides were concentrated in the Channel, and, as De With was eager for battle, English and Dutch encountered on September 2 near the Kentish Knock, a shoal not far from the mouth of the Thames. Blake, who had the advantage of the wind, attacked, and after a confused though stubborn fight, the Dutch were worsted, and a number of malcontent or faint-hearted captains sailed home. The Dutch admirals sought the sheltered waters of *Goeree*, leaving Blake master of the Channel. Their defeat was hardly recompensed by the victory which Van Galen gained over an English squadron near *Ribe*, or by the blockade of another English squadron in *Leith*.

The parliament pressed the war with the utmost energy, and ordered the building of thirty frigates. To fill the treasury it passed an act confiscating the estates of several hundred royalists, for the most part obscure and harmless. Yet it had difficulty in providing for the pay and victuals of the sailors. Blake was obliged to send so many of his ships for repair that in November he had only forty-two available, and of these many were hovel merchantmen. Taught by misfortune, the Dutch recalled Tromp to command, and suited his force to eighty-five sail. He was charged with the convey of a merchant fleet sailing to Bordeaux, but took the occasion to leave them behind and seek Blake, who gladly accepted the challenge, and met Tromp off *Dungeness* on November 30. Twenty of his ships, mostly the hovel merchantmen, held back, leaving him to contend against terrible odds and he was defeated. Tromp, having regained command of the Channel, continued his voyage, and when he reached the Isle of Rhé waited until the merchantmen should have taken their return cargoes at Bordeaux and should need his protection on the way home. He thus allowed his enemy a respite which proved disastrous.

By ruling the warfully unsuccessful while valuing the strength of the army the parliament found means to attract the

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necessary women. As Frederick, King of Denmark, the ally of Holland, had closed the Sound to English vessels, the naval stores, which could no longer be obtained from the Baltic, were sought from Scotland and New England. Colonel Monk and Colonel Deane were joined in command with Blake, who had also won his first honours in warlike sea-battle. By February, 1653, the three admirals put out with seventy ships to meet Lord Tromp, who was returning with a like force, but outnumbered by the merchants. They came in sight of the Dutch off Portland. Their ships were so clumsy and the skill of their crews so imperfect that their fleet was scattered over the sea in several groups, and Blake and Deane could master only twenty sail to begin the action. Tromp, who had all his ships well in hand, fell upon Blake and Deane, who maintained a desperate struggle until their consorts could join them. Some of the English ships made a timely diversion by assailing the convoy, and the day ended without much advantage to either party. Tromp had so far exhausted his magazines that he was unable to renew the battle next morning. He continued his voyage, covering the merchantmen as best he could, while the English followed, and in a running fight forced him to burn his last powder. Again many of the Dutch captains deserted their chief and made all sail for home, but with admirable skill and coolness Tromp and his lieutenants continued to hold off the English, and at last effected their retreat.

The Dutch war favoured the views of the party which preferred a Spanish to a French alliance. In August, 1652, the council of state proposed to Cardenas that he should draft a commercial treaty between Spain and England, and he consented. In September he prevailed with the council to blockade the island of Dunkirk. By its orders Blake attacked and destroyed or dispersed a French fleet bringing supplies for that town, which surrendered on the very next day. The parliament was not, however, satisfied with the treaty drawn up by Cardenas, but offered a draft of its own, ensuring in more simple terms the religious freedom of Englishmen in Spain. Masarin took alarm, and tried to avert an Anglo-Spanish alliance by sending an agent to London with a letter which acknowledged the English overtures. As the agent had no credentials, and the letter was not properly addressed, the parliament de-

closed to receive it. Even when the deficit of corn had been supplied and a negotiation for mutual release of prisoners had been begun, nothing was accomplished. The French and Spanish parties in the council and parliament almost believed each other. The disclosure of the French rebels and the arrival of the royal authority weakened the fear that Maxim and the young King Louis XIV. might attempt something on behalf of the Stuarts. But when it became apparent that Spain would not concede all that the English government desired, English statesmen once more returned to friendship with France.¹

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During the progress of the Dutch war the army became more and more disaffected. In May, 1672, the parliament appointed days on which a grand committee should sit to consider the time for a dissolution; but in a short time the committee ceased to assemble. Soon afterwards the parliament deeply offended Lambert, who in military reputation and political influence stood second only to Cromwell among the officers. It had been resolved upon Ireton's death that Lambert should succeed him as lord deputy of Ireland, and Lambert had made preparations for assuming that position. The parliament changed its mind, and when Cromwell's term as lord lieutenant expired in June, 1672, it abolished his office and consequently the office of lord deputy. Cromwell was supposed to feel acutely the unheroic usage of his most distinguished companion in arms. Moreover, the parliament, absorbed in the conduct of a great war, showed less interest than ever in those domestic reforms which many soldiers desired. On August 2, therefore, the officers adopted a petition demanding a maintenance other than wages for the soldiers, the reform of the law, a better domestic administration, the provision of work for the poor, the payment of arrears to the troops, the discounting of articles of war granted to capitalists, and the election of a new representative body. The last demand was afterwards referred into a request that the parliament would consider of such qualifications for members of various parliaments as might prevent dissatisfied or malcontent persons from being chosen.

The parliament referred the petition to a select committee, to which it afterwards referred a bill on elections. It also made some display of reforming zeal, and served the committee for

¹For a full discussion quoted by Gardiner, *History of the Commonwealth*, &c. vol.

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the propagation of the Gospel, and passed on a bill for setting the poor to work; but it soon relapsed into its former indolence. So dissatisfied were the soldiers that Cromwell was said to have thought of restoring the monarchy in the person of the Duke of Gloucester, the only child of Charles I. who remained in England. In conversation with Whitlocke, he complained of the self-winking of the parliament, their design to gorge themselves, their injustice and partiality, and suggested the need of some authority to check their contributions. "What," he said at length, "if a man should take upon him to be king?"¹ Nevertheless he appears to have laboured honestly for a peaceable settlement of all disputes, and to have encouraged with that view meetings of the principal officers with the parliamentary leaders.

In January, 1653, the officers at length came to an understanding with the council of state for the election of a new parliament. The bill for elections was considered from time to time, and some bills for the reform of the law were advanced a stage. But again the house turned anxious to do as little as possible, while the impatience of the soldiers grew and found its usual vent in an outbreak of prayer and preaching. Some of Cromwell's friends urged him to dissolve the parliament by force, and in March the council of officers would have decided on this measure, but for the intercession of Cromwell and Denbrough. The parliamentary leaders were so much alarmed that they thought of displacing Cromwell and electing Fairfax or Lambert commander-in-chief. They determined to give the bill on elections a new purport. Instead of holding a general election, they would fill up the vacant seats, and give the old members the right of deciding on the qualifications of the new, and thus prolong their own power indefinitely. When the bill had been passed in this form, they would adjourn the house until November, so as to make rapid or accelerated impossible for many months. Cromwell protested at the house against modifying the bill. On April 19 he held a conference of officers and members of parliament at his lodgings in Whitehall, and proposed that the parliament should itself decide upon a number of trustworthy men, who would administer public affairs until a new parliament could be chosen. All the politicians except Sir John condemned this proposal;²

¹ Whitlocke, *Cromwell*, p. 329.

² *Ibid.*, p. 324.

but they undertook to delay the progress of the bill as elections. Next morning, however, the officers in the house found that the majority meant to proceed with the bill. They expected that after its passing the house would adjourn till November, and that Cromwell would be required in command of the army by Fairfax.

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Harrison sent word to Cromwell, who came down to the house with a detachment of soldiers. Having posted them without call, he entered and listened to the debate. After a while he called to Harrison, and told him that he judged the parliament ripe for a dissolution, and this to be the time. Although a fearless soldier and leader, Harrison half smiled from the seat. "Sir, the work is very great and dangerous, therefore I desire you seriously to consider of it, before you engage in it." "You say well," Cromwell answered, and again sat still for a quarter of an hour. When the question for passing the bill was about to be put, "This is the time, I must do it," he said to Harrison, and standing up he began his speech with commendation of the parliament for the good they had done, but changing as he went on, ended by denouncing their injustice, their self-interest, their design of perpetuating themselves. Putting on his hat, he strode up and down the floor, levelling the bitterest personal reproaches at various members. Sir Peter Wentworth rose to denounce such unwelcome language, the more hostile in that it came from their servant, and their servant whom they had so highly obliged. "Come, come," retorted Cromwell, "I will put an end to your prating. You are no parliament, I say you are no parliament. Call them in, call them in." Harrison gave the word, and the soldiers entered. Vane broke out in protest, but all the answer he received was, "O Sir Henry Vane! Sir Henry Vane! The Lord deliver me from Sir Henry Vane." The speaker refused to move except perforce, whereupon Harrison banded him down from the chair while the soldiers cleared the house. "What shall we do with this knave?" said Cromwell, looking at the man. "Here, take it away!"¹ Then he snatched the bill on elections from the clerk who had been about to read it,

¹ *Parliamentary History*, p. 272. Latham, *Masson*, I. 271-272. *Masson*, *Many Figures*, *Journal of the Earl of Leicester*, p. 272. "Cromwell and the Expulsion of the Long Parliament in 1653," *Park, English Historical Review*, 66, 271 (1952).

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put it in his pocket, entered the doors to be locked, and went back to his lodgings at Whitehall.

In this ignominious way ended the most powerful parliament ever known in England. Its explosion was an act of most military violence, but it was not regretted by the public. With an little ceremony the council of state was dissolved in the afternoon. Cromwell, with Harrison and Lambert, entered the chamber and closed their deliberations. "Gentlemen, if you are met here as private persons, you shall not be disturbed, but if as a council of state, this is no place for you, and since you cannot but know what was done in the house this morning, take notice that the parliament is dissolved." After a few words of protest from the lord president, Bradshaw, the councillors rose and went their way. The last semblance of lawful authority vanished, and the soldiers with Cromwell at their head stood forth as the masters of England. It was thought that Cromwell would settle on royal power with or without the title of king. Some petitioned him to take upon himself the office of protector of the realm. But whether from lack of personal ambition or from the feeling that things were not yet ripe, Cromwell took care not to assume any pre-eminent authority, and acted merely as the first in rank among the officers.

A new council of state, consisting of seven soldiers and three civilians, was established a few days after the explosion of the old. What form of national assembly should be summoned was a question on which the officers disagreed. Lambert desired to return, as soon as circumstances would allow to the traditional method and provide for the election of a parliament, which should, however, be kept in bounds by a written constitution. Harrison wished to inaugurate the reign of the saints by calling an assembly of pious men who, like the Jewish Sanhedron, should be seventy in number. Cromwell and the officers had suggested that the late parliament should assign its powers to such a body. At a time when the friends of the commonwealth were divided against themselves, a general election might have been perilous. Cromwell therefore decided for such an assembly as Harrison desired, but sought to give it a larger character, to make it a comprehensive gathering of pious notables, whatever the shade of their opinions. In

His spirit he invited Fairfax to take his seat there, but in vain. Finally Cromwell sent the council of the army writs letters to the congregational churches in each county, leaving them to send up the names of persons fit to be members. From the names thus submitted the general and the council made their choice, but they also nominated such persons as they thought fit, for they still wished to reconcile all the splinters of the commonwealth. The invitation to Fairfax was renewed and even Vane was recalled. Both held obstinately aloof. The final list included 129 persons to represent England, five to represent Scotland, and six to represent Ireland. Thus, without even the pretence of election, was formed the assembly best known as the Little Parliament or Barebones's Parliament, so styled from one of its members, Francis God Barebones, a leather-saddler in the city of London.

This assembly was in after years the best of forced and unrepresentative councils. Most of its members were not very unlike the members of an average house of commons in character and abilities and even in station. One or two peers, many gentlemen of landed estates, and many prosperous citizens sat there. Some were noteworthy men. Monk, the best practical soldier of the time; Blake, the illustrious scholar; Lockhart, soon to be distinguished alike in war and in diplomacy; Henry Cromwell, who inherited somewhat of his father's vigour; Anthony Ashley Cooper, afterwards Earl of Shaftesbury, the first great parliamentary leader and party chief of the modern type. In two respects, however, the assembly contrasted with any house of commons that has ever been known in England. The great majority were zealous puritans holding opinions almost as displeasing to the presbyterians as to the Anglicans, and they were theoretical politicians who did not comprehend the thoughts and feelings of ordinary Englishmen. They assembled at Whitehall on July 4, and listened to a speech from Cromwell justifying what had been done as necessary for the welfare of the people of God. The officers had been driven to suspend the parliament because it would not declare itself ever yet to anything for the public good. But they had not sought to keep power to themselves even for a day. Power had come to his hands by the providence of God, although weak weak hands. "I confess I never looked to see such a day as this

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—It may be, nor you neither—when Jesus Christ should be as served as He is, at this day and in this work.” What might not be hoped from men thus wonderfully raised to power? “Indeed I do think somewhat is at the door, we are at the threshold; and therefore it becomes us to lift up our heads and encourage ourselves in the Lord.”¹ In conclusion he told the assembly that the council of state had no authority to sit longer than they should ordain. An instrument was read which gave them power until November 3, 1654, and authorized them to choose before that time another assembly which should inherit their authority and provide for the future government of the nation. A return to elective parliaments, which Cromwell had mentioned in his speech as desirable, seemed to be put off for an indefinite time.

The assembly took the power thus offered, elected Francis Bacon, author of a well-known version of the Psalms, to be speaker, invited Cromwell and four other officers—Denbrough, Harrison, Lambert, and Tomlinson—to become members, and assumed the title of parliament. It resolved to employ no man unless it were satisfied of his real godliness. It set up a new council of state, consisting of thirty-one members, and named committees to prepare the subjects which seemed most urgent. Then the parliament fell to the work of collaboration with the real of men who believe that they have been entrusted with power by an immediate act of Providence. It would not, indeed, abolish trials until some other provision for ministers had been found. But it abolished the court of chancery by one vote, leaving the committee on law to find a substitute. It named another committee to draw up a code. It anticipated modern legislators by introducing civil marriage and established parochial registers of births, deaths, and marriages. Other acts were passed for the relief of poor prisoners and the custody of inmates and slaves. Whatever its good intentions, the parliament attempted too many things at once and alarmed too many interests. Most serious of all, it began to evince that jealousy of the power of the sword which is inherent in all deliberative bodies. The immense cost of the army was a plain grievance, and gave occasion for a popular protest. The cause was denounced, and members made known that they

¹ Carlyle, *Lectures and Speeches of Oliver Cromwell*, Speech 1.

considered it a temporary expedient. Difficulty and delay occurred in passing the bill which fixed the monthly assessment at £120,000. The pay of the soldiers was in jeopardy, and it was even proposed that the higher officers, whom the state had heartily rewarded, should serve for a year without receiving anything. Further offence was given by the treatment of Sir John Stowell, a royalist, to whom the parliament refused to restore his estate, which, according to the soldiers, was covered by articles of capitulation.¹

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While lawyers and clergymen, landowners and soldiers were thus transported against an assembly which they deemed anarchic, it was denounced as usurping and tyrannical by men who wished to go still further. For an alleged breach of privilege Lefevre had been banished by the long parliament under pain of death if he returned to England. He had intrigued abroad with royalist exiles for a restoration of monarchy on purely democratic principles, and came back after the explosion of the parliament. He was arrested, but he obtained a trial before the upper bench and the jury pronounced him not guilty of any crime that deserved death. The verdict was acclaimed by the public and by the very soldiers set to guard the court; and, although the new council of state detained Lefevre in prison, they could not hinder his partisans from inviting the people of England to meet and elect a true parliament by universal suffrage. The Fifth Monarchist preachers attacked the little parliament as fiercely as they had attacked its predecessors, and called for the adoption of the Bible code and the reign of the saints. Encouraged by the disaffection of so many powerful interests and by the rattle of so many parties, the royalists took heart and bestowed themselves so vigorously that it was proposed to move the high court of justice.

Lambert, in whose despite the parliament had been called, made himself the ring-leader of the malcontent officers and soon found an opportunity. In November the house resolved to abolish Church patronage. In December it rejected the first clause of a report brought up by the committee on tithes, and this vote proved fatal to the whole report, which embodied the views of the moderate party and proposed to maintain tithes,

¹For the proceedings of the little parliament see *Commons' Journals*, vii. 481-485.

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while allowing them to be examined. Lambert and his friends resolved to save the dissenters of the minority in offering a declaration, confident that, when the thing was done, Cromwell would approve what he would not have undertaken. They came to an understanding with their friends in the house and with the speaker. Early on the morning of the 22nd the minority took their seats, and one of them, Sir Charles Wileby, after denouncing the acts of the majority, moved that the sitting of the parliament any longer would not be for the good of the commonwealth, and that they should deliver back their powers to the Lord-General Cromwell. A debate followed, and the house began to sit. Then the speaker, fearing that, if the motion were put, it would be lost, rose and repaired to Whitwell, followed by about one-third of the members. Those who remained were soon ejected by Colonel Goffe and Lieutenant-Colonel Whit, with a file of musketeers. When the speaker and his friends reached Whitwell, Cromwell declared his surprise, but did not refuse their written submission, which was afterwards signed by so many members that it might pass for the act of the whole house.¹

The little parliament marks the highest point of the puritan revolution. That revolution was inspired by two principles, distinct and even contrary to each other, the principle that government should conform to the will of the nation and the principle that godly men have a right to govern the ungodly. As the nation would not tolerate the extreme forms of puritanism, the puritans were led to subjugate the nation. The army, which had become the sole depository of power, installed a parliament which represented not the people but the congregational churches. The result had been that this parliament clashed against the domination of the sword, and the public clashed against the domination of the sect. With the failure of the little parliament began a return to what was yet practicable in the older institutions of England. Cromwell had desired a settlement with somewhat of monarchical power in it, and had thought of making himself king. A large part of the army agreed with him and helped to begin a series of changes which ended in the restoration.

Lambert and his friends had already prepared a new written

¹ See *House Petition of the Proceedings and Dissolution of the late Parliament*, second tract, c. 2, 254-5.

constitution, the Instrument of Government,¹ which vested supreme authority in one person and in the people assembled in parliament. The one person, styled the lord protector, was to exercise the chief magistracy. He was to be the source of all justice and to have the power of pardon. He was to discipline and order the militia and the other forces by sea and land with the consent of parliament, and so the intervals of its sessions with the consent of his council. With the advice of the council, he was to direct foreign relations, and with its consent he might make war and peace. The office of the protector was to be elective, not hereditary, and Oliver Cromwell was declared protector for his life. The Instrument named fifteen persons to be the first councillors, and empowered them with the protector's consent to add six to their number. They were to hold office during life or good behaviour, and could be removed only by a court named partly by the parliament, partly by the council. Whenever a vacancy occurred the parliament was to name six persons, out of whom the council was to choose two, and of these the protector was to appoint one. Thus the protector had very little power over the composition of the body whose advice he required for most acts of state.

The parliament was to contain 400 representatives of England, thirty of Scotland, and thirty of Ireland. In England many small boroughs were to be suppressed and their members given to the counties or to large towns hitherto unrepresented. The distribution of seats in Scotland and Ireland was left to the protector and his council. The franchise in the counties was limited to those who had £100 worth of property, real or personal, the franchise in the boroughs remaining unaltered. Those who had taken part in any war against the parliament since 1641 were disabled from electing or being elected to the next four parliaments. Roman Catholics and all who had taken part in the Irish rebellion were disqualified for ever. A parliament was not to last above three years and was not to be prorogued or dissolved during the first five months of its sitting without its own consent. In the event of war with a foreign state, the protector was to summon a parliament if one were not sitting, and suspending the duration of such a parliament nothing was enacted. The parliament had the legislative power.

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¹ *Old Parliamentary History*, vi., 146.

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Bills which it had passed were to be offered to the protector for his consent, but if he failed to give it within twenty days or to satisfy the parliament of his reason for refusing, the bills were to become law, unless they contained matter contrary to the Instrument. The parliament also had the power of imposing taxes, save that a constant yearly revenue was to be settled, sufficient to maintain an army of 50,000 men and a fleet for guarding the seas, and to provide £100,000 a year for the charges of civil administration. This revenue was to be raised by customs and other means approved by the protector and his council, and was not to be taken away or diminished without his consent. The approbation of parliament was made necessary in the choice of certain great officers of state—the chancellor, the treasurer, the admiral, the chief governors of Ireland and Scotland, and the chief justices of both benches.

The first parliament under the Instrument was to meet on September 3, 1654, and until its meeting the protector with his council was empowered to raise money by taxation, and to make ordinances for the peace and welfare of the nation. The Instrument further provided that the Christian religion, as contained in the Scriptures, should be held forth as the public profession. To that public profession none were to be compelled by penalties. Those who professed faith in God by Jesus Christ, although not agreeing with the established doctrine or discipline, were to be protected in the exercise of their own religion, so long as they did not show their freedom to the injury of others, or the disturbance of the peace. But this liberty was not extended to popery or polygamy, or to such as practiced lechery under the profession of Christ. Religious tolerance as it was understood by the Independents was thus made a principle of the constitution.

The Instrument was an attempt to secure an orderly government in accordance with English traditions. Magovernment was to be rendered impossible for the future by setting up a balance of powers under the sanction of a fundamental law. But the balance was faulty. As the real constitution was imposed on England by the will of the army, the chief of the army became protector, and, in case of conflict with the parliament, his will inevitably prevailed. The Instrument furnished no means for deciding doubtful points of interpretation, still

lost for securing provisions which might be found defective. Cromwell afterwards declared, what is hard to believe, that he had not been deceived by those who drew up the instrument. He accepted it when offered to him, on condition that he might criticize details, and on December 25 he was inaugurated as prisoner in Westminster Hall, and solemnly conducted to Whitehall, which was to be his official residence.

Neither the capture of the *Ramp* nor the failure of the nominated parliament opened the vigour of English foreign policy. The Dutch were reduced to severe distress, and would have accepted any tolerable terms, but even Cromwell, who regarded the war, was disposed to exact more than they could honourably concede. With the return of summer the naval contest was resumed on a grander scale. In May, Tromp conveyed an immense fleet of merchantmen as far as Shetland, where he met another fleet homeward bound, and brought it safely into the Dutch ports. One English fleet, under Monk and Deane, sought vainly for Tromp in the North Sea, while another fleet, under Blake, was lying out at Portsmouth. Tromp, when freed from his convoy, sailed in quest of Monk and Deane. On June 2, a day of light and shifting air, the fleets, each considerably upwards of 100 sail, met off the Gabbard shoal, not far from Harwich. As it was difficult to manoeuvre, the battle was even more confused than usual. Scarcely had it begun, when Deane was struck dead by a cannon ball. In spite of Tromp's superior skill, the Dutch, after a hard fight, had somewhat the worst. All through the night the fleets drifted at no great distance from each other, and next morning they were not far off Dordrecht. Although he had run short of powder, Tromp renewed the battle, but Blake's appearance with thirteen ships caused the English victory. Nine Dutch ships had been sunk and eleven taken.

Tromp and De Ruyter loudly declared that a large proportion of their ships were as inferior to the English as to be worse than useless. A blockade of the coast convinced that Holland had lost the dominion of the sea. Amid the general impoverishment and humiliation the Orange party lifted its head once more. John de Witt, pensionary of the province of Holland, persuaded the States General to send four commissioners to ascertain whether England would grant reasonable conditions. The new

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The little parliament and the council of state which it elected were as resolute as their predecessors to exact the utmost gains of victory. Cromwell still desired peace and even an alliance between the two republics, but the terms which he propounded were hasty and impossible. The Dutch would hear of nothing more than a defensive alliance, limited, perhaps, by this rubric, Cromwell joined with his colleagues in making such demands as the Dutch, even in their illness condition, could not accept. They required among other things that the States General should undertake to exclude the young Prince of Orange from all office, civil or military, and not to send more than a certain number of ships through the British seas without leave asked and obtained. At that very time in England the expenditure far outstripped the revenue, the mules were left unpaid, masters broke out and some of the masters even threatened Whitehall. The Dutch took heart to continue the war, and began to build ships of war and power sufficient to cope with the English.

While the English were absorbed in the Dutch war, Mazarin was restoring in France his own authority and that of the crown. The citizens of Bordeaux, who had vainly sought help from England, were forced to surrender on July 20. Gondi became an exile and a deserter to the Spanish service. When Gondi returned from France in September, Cromwell offered

to assist the Huguenots with a fleet and 4,000 soldiers if Spain would bear the expenses. He sent Joachim Haug, a German engineer, to report on the fortifications of Havre, Rochelle, and Bordeaux. In the same month he proposed to the Dutch a league directed against Spain. An earnest but unassuming wish to help the persecuted cause in other countries betrayed Cromwell more than once into foolish and contradictory schemes than to his ordinary sound judgment.

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CHAPTER XVIII

THE FIRST PERIOD OF THE PROTECTORATE

OLIVER CROMWELL, who by the instrument of government became virtual sovereign of the three kingdoms, was born at Huntingdon on April 25, 1599. "I was by birth a gentleman," he said, when protector, "living neither in any considerable height, nor yet in obscurity."¹ But these words scarcely express the consequence of his family. His great-grandfather, Sir Richard Cromwell, was a nephew of the celebrated minister of Henry VIII. His grandfather, Sir Henry Cromwell of Hatchingbrook, gained by his splendour and hospitality the appellation of "the golden knight". Oliver's father Robert, a lawyer, was only a younger son. Oliver was educated at Huntingdon Free School and at Selwyn House College, Cambridge, and afterwards became a member of Lincoln's Inn, where he may have acquired such knowledge of the law as would be useful to a country gentleman. When he was twenty-one he married Elizabeth Bourchier, a merchant's daughter, and settled at Huntingdon to farm his own land. He was returned to parliament by the borough of Huntingdon in 1628, and in the following year took part in the attack on Bishop Bled. During the eleven years' suspension of parliament he led a quiet rural life. He sold his estate near Huntingdon and removed to St. Ives. There as at Huntingdon he stood forward to defend the rights of the poor cottagers, who assailed by persons of influence. In order to maintain his increasing family he rented land and followed the business of a grazier.

By nature earnest and having full leisure for thought Cromwell was oppressed with religious melancholy, until at length he

¹[See *Smith, Protectoral Form of Government*, and see article, "Oliver Cromwell's Childhood," by Hume.] *Weyman, English History of Puritanism*, vi., 41-42.]

found assurance of salvation. The condition of Church and State was as grievous to him as to other non-conformist puritans, and it is possible that he may have thought of emigrating to America, although there is no truth in the legend that he had taken his passage in a ship which was delayed by order of the crown. He was returned by the borough of Cambridge to both the parliaments called in 1653. In the long parliament, it has been said, Cromwell could reckon nearly a score of members connected with him by blood or marriage, among them Hampden, St. John, and Edmund Waller. He moved the second reading of the triennial bill and was one of the most active members of the house. Yet had the contest been only one of words, Cromwell's part in it would long ago have been forgotten. In the civil war his real capacity was first made known. The somewhat smooth-spoken, who until the age of forty-three had divided his serious thoughts between prayer meetings and cattle markets, stood forth as a leader and organizer, the most brilliant yet the most methodical of cavalry captains, an able tactician, a daring strategist, and withal a statesman equal to guiding and controlling a revolution. He broke in pieces the parties, Churches, and peoples that withstood him. He became master of England where his enemies far outnumbered his friends, and of Ireland and Scotland where almost all men hated him with the hatred of rational and religious hatred. He had only one task left, but that the noblest and most difficult; the task, as he said himself, of leading and setting: of leading the nation accustomed by so many years of strife, of setting a new order, political and ecclesiastical, which should rest, not upon military force, but upon the willing acceptance of all good citizens.

Until the new parliament should meet in September, 1654, the protector and his council enjoyed the plenitude of sovereign power. However unwilling to use severity, they could not overlook the heinous denunciations of the Fifth Monarchists. Some of the most sedition-prone preachers, Fooks, Towell, and Simpson, were arrested, and Harrison, the military chief of the party, was deprived of his command. At the same time the protector sought to reassure all who would quietly submit to the new government. He repealed the ordinance under which men had to swear that they would be faithful to a com-

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month without long or loose of beds. In England there was no further disturbance. In Scotland the officers and soldiers accepted without dissent such resolution at Warrack. In Ireland all the commissioners of the commissionable were Ludlow submitted to the new government. As a consistent republican, Ludlow declined to act in the civil administration under a protest, although he agreed to perform his military duties until he should be replaced. Scarcely from the danger of immediate attack, Cromwell could undertake that work of legislation in which the long parliament had failed through slack and the little parliament through impotence. In the period of his rule government he issued speeches of eighty ordinances, which cover a wide range of topics and justify him against the reproach of having ruled little for the reform of institutions.¹

No other reform was so generally desired by the nation or so agreed in Cromwell's opinion as ecclesiastical reform. He wished, however, to coordinate vested interests and accepted beliefs. He would not interfere with the rights of patron or abolish tithes and some other maintenance for the clergy could be devised. Nor would he suppose any form of collusion or doctrinal test on ministers. By an ordinance for the appointment of public preachers issued on March 20, 1654, he appointed thirty-eight commissioners, known as triers, partly ministers, partly laymen, to try the fitness of persons presented to livings. The applicant had to produce a certificate from three persons of known integrity, one of whom was to be a minister, testifying to his holy and good conversation, whereupon the commissioners were to admit him by an instrument in writing under seal. In practice the ministers who certified and the triers who admitted would be either independents, presbyterians, or baptists, and certificates conforming to one or other of these standards of belief would have an advantage. By another ordinance of August 22 orders were provided for ejecting incompetent or scandalous ministers and schoolmasters. In every county of England and Wales a body of commissioners known as ejectors was to hear charges and spot on proof any minister or schoolmaster of evil life or of schismatic or blasphemous

¹See *ibid.*, 4, 113-115.

opinions, as well as such as persisted in using the Prayer Book or avowed their disaffection to the government.* It is allowed that the threat and ejectment did their duty honestly and carefully, and that the ministers inducted under the commonwealth were with rare exceptions faithful and zealous.

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Having exposed the Church as it is to comprehend the principal forms of parties belied, Cromwell allowed a large measure of toleration to those who found it too strict for their conscience. If free to follow his own judgment, he would perhaps have tolerated all who held what were then thought the fundamental doctrines of Christianity and who were willing to obey the government. But he had to consider the instability of his power and the deep-seated prejudice against religious freedom. As a too liberal policy might have enlisted presbyterian opposition without conciliating Roman catholics or Anglicans, he dared not be consistent or thorough. The catholics, although no longer forced to attend the parish church, remained subject to the old penalties for following their own observances. Cromwell did not rigidly enforce the persecuting laws against them, and there is only one instance of a catholic priest suffering death in his reign. He told Mazarin that he had protected many catholics and hoped to do more, although he would not promise a legal toleration. As it was still forbidden to use the Prayer Book, Anglicans could only worship in private, but their assemblies were rarely molested save at times when the government felt itself in danger. Many clergymen who regarded government by bishops as lawful, but not essential, did dutifully conform to Cromwell's established Church. Cromwell showed much deference to Archbishop Usher who had proposed a composite form of Church government, granted him a pension, and on his death ordered his interment at Westminster Abbey. Some believed that the protector in his closing years became more and more favourable to the ancient ecclesiastical order. Of this, however, there is little or no proof. His forbearance even towards heresy which most men deemed capital was seen in the case of John Bidle, who rejected the divinity of Christ, and whom he saved from a worse fate by an imprisonment in the Solly Isles.

*Neill, i., 222.

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Himself a mystic as well as a nonconformist, Cromwell felt for sects who moralised vulgar people. He treated the Fifth Monarchy men with extraordinary indulgence. He interfered on behalf of the primitive quakers, who were apt to behave in a way which would not be permitted even now and had much to suffer from magistrates, prison, and the mob. Few busy men and still fewer sovereigns would have submitted so patiently to the admonitions of George Fox. "As I spoke, he would reveal three up, it was very good and it was truth. And as I was turning to go away, he catches me by the hand and with tears in his eyes, said: 'Come again to my house, for if thou and I were but an hour of the day together, we should be nearer one to the other,' adding that he wished me no more ill than he did to his own soul." That Cromwell, whose mind was steeped in the Old Testament, should have felt kindly towards the Jews is natural; but his part in encouraging them to settle here has been over-stated. Since their expulsion by Edward I. the Jews had scarcely revisited England. Although they were not excluded by statute, they would not have been allowed to worship according to their law. Under the commonwealth a few stole in, and a learned rabbi of Amsterdam, Menasseh Ben Israel, petitioned Cromwell that his brethren might have the free exercise of their religion. Cromwell submitted the petition to a conference in which rabbis and citizens were joined with councillors of state, and he appears to have addressed it in favour of the Jews. But most of his hearers were adverse to any indulgence, some on religious and more on economic grounds. As Cromwell would not contend further with public opinion, Menasseh Ben Israel's petition was fruitless. A toleration in fact, so long as they screened their worship from general notice, the Jews did enjoy under Cromwell; and this, together with the advantages of London as a centre of commerce, was enough to attract Jewish immigrants, so that the Jewish community in England may be said to date from the commonwealth.¹

All that Cromwell did for religious freedom may seem little

¹ *Ibid.* Journal, pp. 127-28.

² Compare the account of this subject in *Caroline's History of the Commonwealth*, chap. 26, with Hucquet, *The History of the Jews in England*, London, 1895.

to the men of our time, and seemed insufficient to a few of his contemporaries such as Vane and Milton. But when we consider the state of opinion in England and in Europe during the seventeenth century and the extraordinary efforts needed in a later age to remove the disabilities of nonconformists, whether protestant or catholic, we may think that Cromwell went as far as was possible without jeopardizing his own authority and even the cause of toleration.

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The protector shared the puritan belief respecting the influence of laws on manners, and several of his ordinances were designed for the moral reformation of the people. Thus he forbade cockfighting, not on the ground of its cruelty, but because it was accompanied with gaming, drinking, swearing, quarrelling, and other dissolute practices. A more serious interest attached to his efforts for the improvement of the law. He would not, like the little parliament, suppress the coast of chancery, but he promulgated an elaborate ordinance to correct its abuses. A modern expert acknowledges that it effected many real improvements, but adds that it did harm by reducing equity to a rigid and inflexible system.⁷ Another ordinance was designed for the relief of poor debtors. Cromwell knew that able and upright judges are as necessary to the public welfare as good laws, and valued himself on nothing more than his care and impartiality in raising the fittest men to the bench. The first judge appointed by him was Matthew Hale, whose worth and learning were acknowledged by all parties, and who became chief justice of the common pleas after the restoration. Cromwell has received perhaps more than his usual of praise for this choice on the ground that Hale was a royalist, but it would appear that Hale had throughout been a steady although temperate supporter of the parliament.

On his accession to power Cromwell had to cope with a Scottish revolt. Although the Scots had been externally subdued, their attachment to the house of Stuart and their passion for independence were as strong as ever. The malcontents found their opportunity in the Dutch war, which shook the English control of the sea, and raised the hope of continental success. Within a year after the defeat of Worcester the royalist nobles and chiefs requested a leader from Charles, who

⁷ *Lectures, The Edinburgh Review.*

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named General Middleton. Until he arrived, the Earl of Glamorgan was to command the campaign. Middleton was detained in Holland, partly by sickness, partly by the tedious labour of extracting petty contributions from princes who professed goodwill to Charles, for the Dutch showed no disposition to hinder anything as an attempt on Scotland. The chiefs and nobles who gathered round Glamorgan in the summer of 1653, resolved not to attempt any serious operations before the arrival of Middleton, who was expected to bring a large supply of arms and ammunition.

In February, 1654, Middleton landed at Tottenhove in Essex, and by April he had collected some 5,000 men. But the establishment of the protectorate and the close of the Dutch war changed the aspect of affairs in Scotland. In April, Monk returned as commander-in-chief, with orders to make known the intentions of the new government respecting Scottish affairs. At Edinburgh he proclaimed the protectorate, a parliamentary union, and freedom of trade with England. Feudal tenures and feudal jurisdictions were to cease, and popular courts were to be established in every district to determine petty causes. Cromwell thus definitely developed the policy of the long parliament in seeking to civilise the barbaric people at the expense of their feudal superiors. An act of grace pardoned all offences committed before May 1, 1654, excepting only twenty-four persons who were to suffer confiscation, and seventy-three who were to be fined with different degrees of severity. Then Monk by a skilful disposition of his forces enclosed the highlands on the east and south, from the Moray Firth to Stirling and from Stirling to Dumbarton. He marched into the enemy's country, wasting and burning everywhere, as the only means of reducing the disaffected highlanders to submission. On July 19 Middleton was forced to an action with Monk's lieutenant, Colonel Morgan, at Dalnaspald near the watershed between the Garry and the Spey, and routed so thoroughly that he could never rally more than a few hundred men. He took refuge in Caithness, and at length escaped abroad, while Monk continued to harry the rebellious districts until the leaders came in and made their submission, which they were allowed to do on easy terms. By May, 1655, the last echoes of the rebellion were extinguished. The absence of Charles, the quarrels among the royalists, the

Indisposition of their forces, and the lack of help from abroad, exposed its grossness (alliance).

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A system of fortresses to enclose the country had been begun by the parliament and was finished by the pretender. The chief strongholds were at Inverness and Inverlochy in the highlands; at Perth, Leith, and Ayr in the lowlands, and there were upwards of twenty smaller forts and garrisons. A highly effective police was organised. Powerful and suspected persons had to give bonds for the good behaviour of themselves and their households; those who wished to carry fire-arms had to take out licences; those who wished to travel had to furnish themselves with passes. By these means such order was established as Scotland had never known under the most vigorous of its native kings. Nor was the pretender indifferent to the welfare of the people. A council for Scotland was established to relieve Morda from the curse of clerical government, and justices of the peace were appointed on the English model. The Kirk preserved its liberty, save that ministers might not pray publicly for Charles Stuart and that the general assembly was forbidden. The army of occupation was reduced by degrees and the military expenses were lightened. But the ruin of so many great families, the devastation attendant on Glenlivet's rising, and the decay of foreign trade impoverished the kingdom, although some parts profited by the freedom of commercial intercourse with England. The weekly assessments became less productive and an excise was imposed to make good the deficiency.¹ The parliamentary union was little more than a form since the Scottish members represented only that fraction of the people which favoured the commonwealth. The rule of the pretender in Scotland was honest and enlightened, but it was a foreign despotism; and although the Scots made no further attempt to shake it off, they were at heart unconquered and rebellious.

In Ireland the establishment of the protestantism brought no relief to the conquered Irish. Ever since the reign of Mary the planting of English colonies had been the recognised means of securing the English dominion. The parliament in 1607 had passed an act confounding the estates of the whole and

¹On Glenlivet's rebellion see *Perth, Scotland and the Commonwealth*, and the authorities therein cited.

²*Perth, Scotland and the Commonwealth*.

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grazing 1,500,000 acres to the adventurers, as they were termed, who advanced money for the Irish war; and the Irish had come to fulfil that pledge. A large part of the army in Ireland was to be disbanded, and the arrears of pay could most easily be satisfied by grants of land to the soldiers. An immense plantation was therefore inevitable. The act of settlement passed in August, 1692, put practically all the land hitherto held by Irish catholics at the disposal of the state.¹ It divided the Irish into eight classes. In the first five classes were comprised all who had promoted the rebellion or taken part in it during the first year, all catholic priests, about 100 persons of sufficient consequence to be mentioned by name, all who had been concerned in killing any Englishman otherwise than as soldiers in regular warfare, and all persons in arms who should not surrender within twenty-eight days after the act had been published. All these were excluded from mercy for life and estate. In the remaining three classes were comprised all other Irish catholics who had not manifested constant good affection to the commonwealth. These were to suffer forfeiture, but, according to the degree of their guilt, they were to receive the equivalent of one-third or two-thirds of their estates in such parts of Ireland as the parliament might determine. It has been computed that under this act 100,000 persons would have been liable to execution. Such a slaughter was certainly not intended. A high court of justice established to try those who had been concerned in the massacres set for two years and condemned to death some 200 or 300 persons. The penalty of confiscation, on the other hand, was rigorously enforced.

The device of transplanting the whole catholic population into one part of Ireland was adopted somewhat later. Warned by the fate which had so often overtaken previous colonists, the adventurers were unwilling to accept lands where the old proprietors still dwelt. The government saw that the plantations would serve the purpose of garrisons far better if the English settlers were not intermingled with the Irish natives. After Cromwell had expelled the long parliament, he adopted the principle of transplantation on a large scale. In July, 1693, it was announced that all who had obtained mercy under the act of settlement must emigrate to Connaught and Clare by

¹ *Ibid.* II, 29.

May 1, 1694, under pain of death.¹ In that part of Ireland they went to remove the equivalents provided by the act. The terms of the order are, however, ambiguous, and it has been construed as referring only to husbandmen with their families and dependants. It was embodied in an act of the Irish parliament. In October the commissioners for the government of Ireland issued a declaration which required all persons who had been excluded from pasture by the act of settlement, but who had not been presented judicially, to transplant themselves in five months.² As it was impossible for such a multitude to submit in the barren regions reserved for them, the Irish felt that they might as well die at home, and opposed a passive resistance to the order of removal.

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The government still wavered between transplanting all and transplanting only proprietors and soldiers who had continued in arms until the end of the war. The protector empowered the Lord-Deputy Fleetwood and his council to dispose with the orders for transplantation: it so far as they judged fit, but Fleetwood shared the differences of the Irish command among the officers of the army in Ireland, and was little apt to use these powers in a successful spirit. A new declaration published on November 30, 1694, ordered all to transplant themselves before March 1 of the following year. Many of the Irish then resigned themselves to their fate, and the work of transplantation went on somewhat faster. In March, 1695, courts-martial were established to try those who failed to remove. They often took to the hills and bogs as toils as freebooters, and a petty warfare of the most ferocious description broke out in many counties. At the same time the Roman Catholics were expelled from a number of cities and towns which were destined to be the military and commercial strongholds of the colonists. Order was repeatedly given for transporting to the colonies the vagrants and beggars who remained in the miserable country. But the great work of moving a nation across the Shannon was not achieved.

The protector mistrusted Fleetwood, a man of small judgment and a useless adherent of the baptists, a sect numerous

¹ *Ibid.*, 2, 102.

² *Ibid.*, "The Transplantation in Connaught," *English Historical Review*, xlv., 71-72 (1895).

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The final result of the Cromwellian settlement was therefore the confiscation of all the lands held by the Irish Catholics east of the Shannon, and the banishment of the proprietors and a large but uncertain number of other Irish Catholics into the region west of that river.¹ The Catholics who had possessed wealth and culture, the nobility and gentry and burgesses, were crushed and ruined. The priests were outlawed. The Catholic peasantry remained for the most part on the land, but it was that they might toil for alien masters who too commonly hated and despised them. A nation which continued to exist at all could hardly be dispeopled and ruined more thoroughly. The English and Scottish colonists formed the main population of certain districts, filled all the more important towns, owned nearly all the fertile land, and reaped all the wealth and consideration which the children of the soil had lost. They were nearly all energetic and capable men, and they prospered exceedingly. Yet Cromwell's object was not achieved. The pacific Irish man replenished his numbers and absorbed his conquerors. Instead of an Ireland two-thirds English and Protestant with a Celtic and Catholic reserve in the west, there reappeared the old Celtic and Catholic Ireland in which the

¹ The extent of the Cromwellian transportation has been very differently stated by different historians according to their respective bias. Carlyle in his *Latter and Earlier of Oliver Cromwell* assumed that only a few limited portions were transported, Frothingham in his *Cromwellian Settlement of Ireland* wrote as if the whole population east of the Shannon had been moved. Guizot's account, which has been followed above, is based on careful examination of the original documents, and appears more accurate with the facts of Irish history.

British and protestant settlers were little more than a garnish. The strife of ages was not ended but continued. For this reason some historians have blamed the statesmen of the restoration, who modified Cromwell's policy; but that policy had been modified by Cromwell himself, or rather it involved difficulties which no energy or hardness of heart could overcome.

The foreign policy of the protector was bold and inspiring, although not uniformly fitted to the circumstances of the age, for his religious zeal and patriotic ardour was not enlightened by a full knowledge of European politics. The protestant interest and the greatness of England were his supreme objects, and in his mind they were inseparable. He would have made England the arbiter of Europe by making her the head of a confederacy of protestant states for the defence of their religion; and he would have won for England as the seat of catholic states such an empire and such a continuance as might ensure the duration of her power. He longed to emulate the Elizabethan tradition, and even to surpass it, for Elizabeth had cherished great enterprises, and had rather checked than encouraged the martial energy of her subjects. Peace with the Dutch was necessary to the fulfilment of Oliver's ideal, yet he continued for some time to demand more than the Dutch could concede. The treaty of peace was not signed until April 5, 1654. The Dutch so far acknowledged the English sovereignty of the seas that they promised to retire their flag to English ships; but they were not constrained to pay a rent for their North Sea fishery. They undertook to punish the actions in the *Amboyna* massacre, who were probably all dead. Considerations shown equally by both states were to assess the damages due to citizens of either for wrongs suffered in the East Indies or elsewhere. The parties concluded a defensive alliance, and undertook not to harbour each other's enemies. Each state held to its own doctrine regarding the right of search, a difference which caused trouble in the later years of the protectorate. The Dutch made no stipulation for the repeal of the navigation act, nor the English for the exclusion of the *Prince of Orange* from office.¹

The protector had long refused to include the King of

¹ *Clarendon, English Diplomacy, vi., 1, 79.*

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Denmark in the treaty, but yielded to the persistence of the Dutch, who would not desert their ally, and undertook to compensate the owners of the ships detained in the Sound, the amount being referred to another court of arbitration. He was still bent on excluding the house of Orange from power, but thought it enough if the province of Holland, the greatest and most powerful of the seven, would undertake not to choose the prince for stadtholder. He therefore had recourse to the pensionary, De Witt, and let him know that only upon this condition would the treaty be ratified. De Witt, who was a leader of the party opposed to the house of Orange, managed the affair with such adroitness that the states of Holland passed an act of exclusion. The ratification followed, and peace was proclaimed on April 25—amid general rejoicing. After heroic efforts and enormous losses the two republics might seem to have resumed their previous position, but in reality it was far otherwise. The war had shown that the Dutch were no longer supreme at sea, or invulnerable in their commerce, and it marks the first stage in the decline of Holland.

Oliver was free to pursue his scheme of a protestant league. In his youth he had ardently followed the course of the thirty years' war, had blamed the indifference of James and Charles, had exulted in the victories of the great Gustavus, and had lamented his untimely fall. Swept by these memories he failed to see that the treaties of Westphalia had opened a new period in which secular interests more and more determined the friendship or enmity of nations. He sent an agent, John Dury, to sound the protestant governments on the project of a league, but none would go beyond civil warlike. An embassy to Sweden had been resolved by the parliament, and Cromwell had obtained the appointment of Whitelocke. Whitelocke's instructions from the council were to negotiate a treaty of commerce, and secure the opening of the Sound to English ships irrespective of the friendship or enmity of Danes or Dutch. Cromwell hoped much more from Queen Christina, daughter of Gustavus, and told Whitelocke to bring back a protestant alliance. Christina, who, weary of her subjects and of the Lutheran creed, had already resolved to abdicate and to join the Church of Rome, was not likely to encourage such an overture, but she made Whitelocke welcome, and gave him a

commercial treaty.¹ In September a treaty between Denmark and England provided that English ships passing the Sound should not pay dues higher than those levied upon other nations.

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The Portuguese, who had to make good their independence against Spain, were eager to coordinate the English. While the long parliament was yet sitting King John came to London as ambassador the Count of Portugal. He negotiated the preliminaries of a treaty by which Englishmen might trade in Portugal and in all Portuguese possessions, with a guarantee that the customs duties should never be raised against them, and might have their own worship in their ships and houses untroubled by the inquisition. He also undertook to pay £50,000 compensation for the harm done by Rapart to English merchants, but the Portuguese treasury could not afford this sum, so that the treaty remained in suspense. At length it happened that the ambassador's brother, Dom Francisco Sa, had a brawl in the New Exchange with a Colonel Gentry. On the following day he came back with an armed train to take vengeance, and one of his followers shot a young man named Greenway, who had no concern in the quarrel. Dom Francisco and several of his attendants were taken from the ambassador's house, carried into prison, tried for murder, and condemned to death. They pleaded the privilege of an ambassador's retinue, and all the ambassadors then in London interceded for them. As the civilians whom the protector consulted held that no privilege existed in such a case, Dom Francisco was beheaded on Tower Hill. One of his servants, an Englishman, was hanged, but the rest were reprieved.² The ambassador, in his eagerness to quit England, signed the treaty on the day of the execution, July 12, 1654. Portugal was still unable to pay £50,000, but it was agreed that a body of arbitrators, half English and half Portuguese, should assess the compensation due for English losses, and that a half of the duties levied on English merchants in Portugal should be applied in payment.

Cornwall had yet to decide the question so long agitated under the parliament: whether the French or the Spaniards were to be preferred as friends. Mazari, who could ill afford to quarrel with England, sent the Marcs de Bass on a secret

¹ Whitelocke, *English History*.

² *State Trials*, i., 416; *Clarendon*, ii., 41-42.

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mission to assure Cromwell that the Stuarts should have no encouragement. Cromwell negotiated with the Spaniards until information of new royalist plots revived all his anger against Louis and he turned to Cardenas, who offered to treat for an alliance. Mazarin made fresh advances, acknowledged the protector and went on to bid in money against Spain for the English alliance. The French and the English, notwithstanding, continued to prey upon each other's commerce. Rum was detected in an intrigue to make a standing army among the soldiers, if the protector should declare war against France, and was sent out of the country. In July a body of New England colonists under Major Sedgewick invaded the French colony of Acadia and occupied the French forts. On the other hand, the Spanish government would not purchase Oliver's alliance by giving him immediate possession of Dunkirk. Eventually he decided to seek a good understanding with France, but to hold aloof from the war in Europe. Then, feeling free to enforce his demands on Spain, he required from Cardenas that Englishmen in the Spanish dominions should be allowed to worship after their own fashion in their houses, and that Englishmen trading in the West Indies should not be molested. Cardenas answered that it was as if the protector had asked for his master's two eyes. Cromwell resolved to see him. He thought that he could make war on Spain in the West Indies, yet remain at peace with Spain in Europe, and he gave orders to equip an armament of which the destination was for the time concealed.

In his transactions with France and Spain Cromwell does not appear to advantage. He showed little wisdom in his schemes for helping the Huguenots against the crown and for acquiring a fortress on the continent. His course was inconsistent and shifty. Although he had real grievances against both states, he might be held to condone them by offering his alliance, now to the one, now to the other. It has been said by way of excuse that under the instrument the protector was obliged to act in foreign affairs with the council, where a party led by Lambert desired war with France while Cromwell himself desired war with Spain, and that their conflict issued in this inconsistent policy; but the excuse is far from a full vindication. To suppose, when he broke with Spain, that he

could narrow the field of hostilities at pleasure was a grave error. It is true that Englishmen and Spaniards in the new world had virtually been at war since the reign of Elizabeth, and that the Spanish government in Europe was barely able to continue the war with France alone. But no state that retained any sense of honour or instinct of self-preservation could overlook a loyal attack upon its territory such as Cromwell meditated against the Spanish West Indies. Worst of all, Cromwell, while preparing this attack, remained on terms of ostensible friendship with the sovereign whom he was preparing to depose. Such conduct would be severely blamed in rulers who, like Frederick or Napoleon, acknowledged no law save reason of state; it is even more blameworthy in a ruler who professed, nor wholly in vain, to regulate his actions by his conscience.

The manifest divisions between the upholders of the commonwealth, the expulsion of the long parliament, the fallow of the nominated parliament, and the signs of a reaction towards monarchy gave new heart to the royalists. A plot to murder Cromwell was formed by young Colonel Gerard, well known for the fatal quarrel with Don Ferdinand Sa. Even the most respectable royalists held that all who had taken part in the death of King Charles were beyond the pale of society and might lawfully be slain by any that would. Gerard was introduced to Charles II. by a certain Colonel Fitz-James, but Charles rejected his scheme as futile unless it were followed by an invasion. Some of the courtiers, however, encouraged Gerard to persevere, and a proclamation offering £100, a colonelcy, and knighthood to any one who should kill a certain rebellious fellow, Oliver Cromwell, and promising to come from Charles, has been supposed the work of the same party. Colonel Gerard returned to England and began enlisting men with whom to overthrow the troops quartered in London after he should have despatched the protector. While time was thus lost, the council received information of the plot. On May 21 Gerard and several of his accomplices were arrested, and in the following days more than 500 persons were thrown into prison. Then the high court of justice was revived, and Gerard and Peter Vowell, a schoolmaster who had been active in recruiting for him, were condemned to death.¹ On the same day

¹ *State Trials*, v., 508.

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that Don Pontacion suffered, General was beleaguered and Virelli was hanged, both asserting their innocence to the last. A few others were sent to captivity in Barbadoes. An innocent victim was a Roman catholic priest named Southworth, the first in English history to suffer death merely for his profession.¹

At the opening to the first parliament of the protestants the presbyterians gained many seats. With them were elected a number of those stern republicans who looked on the presbyterians as little better than knighthood. A few royalists also succeeded in slipping in. The parliament met on Sunday, September 3, and on the following day was summoned to the painted chamber to hear a speech from the protestant. "Hearing and settling" he defined to be the end of their meeting. He spoke not as one that assumed dominion over them, but as one that resolved to be a fellow-artisan with them to the interest of the people, and he invited them to begin with considering the instrument of government.² The parliament elected Leithell as speaker, and then the republicans opened a brisk attack on the new constitution. It was resolved to consider the instrument as a committee of the whole house. Objection was taken to the clause vesting supreme power in a single person, and a parliament. The presbyterians showed their desire of religious freedom by a resolution for calling an assembly of divines chosen by the parliament itself to advise on ecclesiastical matters, the purpose to setting up a standard of orthodoxy and punishing such as would not conform.

Cromwell would not let the discussion go farther. On the 11th the doors of the house were locked, and a guard was set. The members were commanded to meet the protestant in the painted chamber. There he expostulated with them long and earnestly. He had not called himself to that place. The instrument was passed without his privity and was pressed on him as the only means of avoiding bloodshed and confusion. It was accepted by him with the apprehension, express or implied, of many considerable persons, of the judges, of the army, of London, of various counties and cities. The members before

¹Mr. English Polgreen in his *Other Account of Pontacion*, ch. 2, argues that the whole plot was a contrivance of Cromwell's, but he has not supplied sufficient grounds.

²Crolyle, *Letters and Speeches of Oliver Cromwell*, speech 10.

him had come thither in virtue of his writs to the shire, signed by the people, and the electors had signed resolutions to the effect that the persons chosen should not have power to alter the government as settled in a single person and a parliament. In every state there must be something fundamental which could not be altered. Government by a single person and a parliament; an assurance that parliament would not perpetrate itself, freedom of conscience, and a divided control of the militia were fundamental under the instrument. "I say that the wild throwing away of this government, such as it is, so owned by God, so approved by men, was a thing which I can never be willing to be rolled into my grave and buried with infamy than I can give my consent to." In conclusion Cromwell told the members that they would not be admitted to the house until they had subscribed a "recognition to be true and faithful to the laid protector and the commonwealth of England, and not propose or give consent to alter the government as it was settled in a single person and a parliament".¹

The inevitable republicans, such as Bradshaw, Hurterigg, and Frost, gave up the contest for a time and withdrew, while the bulk of the members, two and more, signed the recognition. The way was thus opened for a consideration of the instrument with the object of turning it into a bill, which would then be passed by parliament, so that the new constitution would derive its authority from the legislature, not from a mere council of officers. Several amendments were adopted, reducing the power of the protector and strengthening that of the parliament. Commissioners were to be nominated by the protector and approved by the parliament, and this approbation must be renewed whenever a new parliament met. At the protector's death, parliament was to dispose of the forces. The house restored the county franchise to the freeholders, and excluded from the franchise profane, blasphemous, and disorderly persons, vague terms which might easily be abused by political or religious passions. It voted to reduce the army from its actual strength of 55,000 to 30,000, the lowest number fixed by the instrument. It resolved to lower the monthly payments from £20,000 to £10,000, and to grant the means of maintaining the army and the navy only until sixty days after the meeting of the next

¹ Carlyle, *Lives and Speeches of Oliver Cromwell*, Speech 21.

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parliament. In January, 1653, a committee brought up an address which cut down the expenditure for the current year to less than half the amount contemplated by the protector and council. The house resolved soon afterwards to take the militia under its own control.¹ It claimed full sovereignty for itself, as the long parliament had done, and its contumacity threatened to bring back the same dangers and inconveniences. For it represented only a part of the nation; it betrayed a wish to impose religious uniformity, and it could easily find some way of perpetuating its power. Thus it was at variance with the protector on points which he regarded as vital.

Events outside the house heightened his alarm and disquietude. Although much the greater part of the officers were attached to the instrument, some were inflexible upholders of the supremacy of parliament. The citizens at Portsmouth sent up a petition to their officers that parliament would be pleased to maintain and enlarge the liberties of the people of England. In December a plot was discovered in the army. Efforts had been made to gain the soldiers in Scotland and Ireland. Such was the alarm of the government that the garrison of the Tower was doubled, and cannon were planted round Whitehall. A number of royalist gentlemen were also imprisoned. The protector resolved to dissolve the parliament at the earliest date allowed by the instrument, calculating the five months of the session as months of four weeks, the month for the payment of wages to soldiers and sailors. On January 21 he summoned the members once more to the painted chamber. Reminding them of the hopes raised by their meeting, he complained that he did not know what they had been doing. What had been the outcome of their meeting? "Dissension and division, discontent and dissatisfaction, together with real dangers to the whole, has been more multiplied within these five months of your sitting than in some years before." He reproached them with their readiness to pluck other men's consciences, and their eagerness to grasp the whole power of the militia, concluding, "It is not for the profit of these nations, nor is for the common and public good, for you to continue here any longer. And therefore I do declare unto you that I do dissolve this parliament."²

¹ *Memorial Journals*, vi., 129.

² *Garthie, Letter and Speeches of Oliver Cromwell, Speech 10.*

Thus the last endeavour after healing and unity had failed. The difficulty of the republicans in asserting the supremacy of parliament against the power of a military dictator was natural and respectable. But they ought to have remembered that their principle of the sovereignty of the people could not then be applied without sacrificing what they, as little as Oliver, would consent to forgo. All the current epithets of the commonwealth taken together were a minority of the English nation, and a minority divided against itself. If they were to hold their ground, if they were to secure the religious freedom won in the civil war and as much political freedom as might be consistent with that at a time when the majority of Englishmen were intolerant, they could not dispense with unity of control or with the power of the sword; and if a head of the state were necessary, they could find none so well qualified by civil and military ability, so large in his views and in the main so noble as Oliver. The origin of the protestants was not more irregular than the origin of the parliament. After a great revolution to reject a government merely because it was founded by force was *judiciary*. Those who effected the return of Charles Stuart and the bishops should have accepted the instrument as the draft of a new constitution, and treated to time and opportunity for further progress.

Cromwell, regarding the instrument as still in force, sought to govern within the limits which it assigned. He did not profess to have any more ordinances, so his power in that respect was to end with the meeting of his first parliament. In order to win the taxpayers, he lowered the monthly assessment to £80,000, according to the resolution of the late parliament, although he thus created an enormous deficit. All the parties opposed to him had drawn new life from his breach with the parliament. The Fifth Monarchists reviled him as a thief, a varlet, a traitor. Harverson and others of their leaders declared in the very presence of the petitioners that they held it lawful to take up arms against the government, and refused any undertaking to live peaceably. As their recent action had been in keeping with their words, they were sent to prison. The levelers were more dangerous than the Fifth Monarchists, for their democratic creed led them to refer all political questions to a free parliament, which was also desired both by republicans and by

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royalists. Scotty, who had become the most active of levelling conspirators, was paroled, but made his escape to France. Lord Grey of Groby, son of the Earl of Stamford, but an extreme democrat, was imprisoned at Windsor until he made his submission. The royalists found an extensive advantage for using a number of towns and fortresses, and appearing in arms in different counties. Charles presented to be taken call and to join his followers on the first prospect of success. Cornwall, who was always well supplied with intelligence, took prompt measures. On February 21 all horses in London and Westminster were seized by his command. He issued a commission for raising and disciplining the militia of London. He forbade housewives for six months, as affording an occasion for confederates to assemble, and gave orders to secure the ports. Nevertheless, the Earl of Rochester and Sir Joseph Wagnstaffe contrived to reach London with instructions from Charles, and March 4 was fixed as the date of a general rising.

When the time came, fear lay so heavy on the royalists that only in one or two places did a few ruddier men assemble, and only in Wiltshire was a blow struck. Wagnstaffe, who was to take the command in the western counties, had gone farther, and two of the local gentry, John Parncliffe and Hugh Grove, planned to seize the judges of assize who were to open their commission at Salisbury on March 14. With about 150 horsemen they entered the city at dawn, took the judges and sheriff to their beds, and proclaimed King Charles. None of the citizens would join them, and they determined to march westwards in hope of making recruits. In twenty-five houses they reached Yewell, but nowhere could they enlist a man. Denbrough, who had been appointed magistrate-general of the west, was on their track, and on every side those well affected to the commonwealth were rising in arms. The insurgents could only continue their flight towards Cornwall, in the hope that there at least success might be found. At South Molton, in Devonshire, Captain Usser Croke, with about sixty horse, fell on the dispersed band, and took or scattered them all. Wagnstaffe, who had proposed to hang the judges at Salisbury, was fortunate enough to escape. Grove and Parncliffe were beheaded. Those others were hanged at Salisbury and seven at Exeter. About seventy more were transported to the West Indies a few

months later without form of trial, a tyrannous practice first begun in the case of Scottish prisoners and then applied to political criminals. The circumstance that none would join the managers, while so many took arms for the prisoners, would imply that a great part of the nation was either reconciled to the commonwealth or at least anxious to avoid another civil war.¹

Yet the weakness of the government was seen in the resistance of the lawyers. Thorpe and Newdigate, the judges commissioned to try the royalists taken in the north of England, denied the validity of the ordinance of treason under which they were to act, and therefore by implication denied the validity of the instrument under which it had been promulgated. They were dismissed, but their successors took care to regard the accused as guilty only of riot or sedition. Cory, a London merchant who had refused to pay the customs duty on silk and had been fined by a committee of the council, refused to pay the fine also and was sent to prison. When he applied for a writ of *habeas corpus*, his counsel, Haynard, Trysilley, and Windham, declared the ordinance under which he had been punished to have no validity and Chief Justice Rolle intended to assent. The barriers were continued before the council and imprisoned until they made their submission, while Rolle was allowed to resign. Thus the title of the government remained doubtful and its practice arbitrary. Many wished Cromwell to assume the crown as the best means towards a lasting settlement, and in the summer of 1653 it was widely supposed that he would do so. Cromwell, however, preferred to govern under the provisions of the instrument. Fresh information of plots led him to imprison great numbers of suspected persons and to expel from London all who had fought for the royal cause. But he had come to the conclusion that more comprehensive measures were necessary to secure his authority.

In order to lessen the deficit a committee of officers had advised a reduction in the pay of the soldiers and the formation of a new militia, so that the strength of the regular army might be lessened. The new militia was organized in the course of the summer. It consisted of 4000 horse and a small number

¹ See Trenchard, *ib.*, cxx, 147; *State Trials*, i., 361.

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of foot. England was divided into ten districts and a major-general was placed over the militia in each. But the instructions issued to the major-generals in the actum gave them powers which went far beyond mere military command. They were to combine with the maintenance of order the control of the local authorities and the enforcement of the puritan code of morals. They were to suppress revolutionary movements, secure highways, put down horse-races and cock-fights, expel vagrants, close unnecessary schools, cause drunkenness and profaneness to be duly punished, and report to the council all persons who were doubtful in executing their office. They were to enforce what we may term a penal code directed against the royalists. Royalists who had taken part in any plot or rebellion against the protector were to be banished and their estates were to be sequestrated. Those who by word or act adhered to Charles Stuart were to be banished or imprisoned, but not to suffer in their estates. Those who had fought against the parliament or suffered sequestration in the past were to pay 10 per cent. of their income from land, and if that fell below £100 a year, a proportion of their personal property. Royalists without estates who could give no account of themselves were to be transported into foreign parts, probably sent to the colonies. No royalist was to keep arms in his house or to entertain any of the ejected clergy as a chaplain or tutor. None of the ejected clergy was to exercise his priestly function or to keep a school. No delinquent might be elected or any theological corporation.¹

The powers thus conferred on the major-generals were not only unknown to the law, but so comprehensive that if used to the utmost they would have put the whole nation at the discretion of a few military despots. The major-generals received their commissions in October and continued to act for somewhat more than a year. Among them were several of the most distinguished soldiers of the commonwealth, Lambert, Fleetwood, Desborough, Wintley. Each major-general was assisted by a body of commissioners chosen by the government in the different counties to give him the benefit of their local knowledge and influence. Not many royalists suffered the extreme pen-

¹ *Little's Popham, Dronfield, &c.* and *n.* ; see also E. W. Rieupey, "Commonwealth Major-Generals," *English Historical Review*, n., 471 (1892).

city of banishment or imprisonment together with reprobation of their actions. A large number indeed were released at the very time when the major-generals entered on their office. But the so-called "decree," the levying of the tax of 20 per cent, was general and stringent, and none ventured to resist. The royalists were everywhere dispersed and forced to give bonds for good behaviour. The instructions aimed at the Anglican clergy seem to have remained a dead letter. But the business of moral reformation was carried with a high hand. Alehouses were closed by the hundred. Beggars, idlers, and debauched persons were arrested in such numbers that some of the major-generals were at a loss where to confine them and called for wholesale transportation. In London bear-baiting and cock-fighting, which had long been forbidden, were at length suppressed. Thus abruptly and harshly to override the liberty of the subject and to put down the pleasures of the people might seem more apt to breed disaffection than to reform manners, and was certainly unwise in a new and unpopular government.

The protector's difficulties at home were not relieved by a glorious sense of that expedition to the West Indies which had been so long in preparation. Its scope was large and indefinite, including an attack on the mainland as well as the islands, and, above all, the seizure of the isthmus of Panama, so as to intercept the Spanish gold on the road to celebration. Its management was entrusted to a commission of five, in which Admiral Penn, who was to command the fleet, and General Venables, who was to command the troops, had only equal votes with their colleagues. Oliver decided that the fleet should act a subordinate part, and give his silent instructions to Venables, thereby weakening Penn's jealousy. The military force, consisting of drafts from a number of regiments, clad out with pressed men, was only 2,500 strong. The armament put to sea at Chatham, 1694, and reached Barbados on January 29. There and at other islands recruits joined in such numbers that Venables could muster 9,000 men. But the colored volunteers, like the men present in England, had neither skill nor discipline nor sense of martial honour, and the army as a whole was defective in officers, in organization, and in spirit *de corps*.

An attack upon the city of San Domingo in Hispaniola

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failed disastrously. Sickness broke out, Venables himself was disabled, the men were dying by scores, and the only reason was at hand. As Jamaica was reported to be almost defenceless, the commanders decided to sail thither. On May 11 the fleet entered the bay of Caguaya, afterwards known as Kingston harbour. Its guns soon silenced the Spanish forts, the troops were landed, and Santiago de la Vega, now Spanish Town, a few miles inland, was taken without difficulty. The Spaniards, who could barely muster 500 men able to bear arms, made a show of capitulating, but used the time to take refuge in the interior. Supplies were still so scanty that it was resolved to send home the larger men-of-war. Penn, who had quarrelled with Venables and was weary of his task, returned also, and Venables followed his example. They found the protector sorely displeased, for the extent and fertility of Jamaica were imperfectly known. Penn and Venables were called before the council and sent to the Tower, but soon released. Shortly as Cromwell proved Jamaica, he was resolved that it should not be lost. The governors had little to fear from the Spaniards, who made no effort to regain the island. But the men, consumed by the heat, could not work, wasted their stores of food, and neglected the simplest precautions against disease. As colonists were not likely to be found in England, they were sought in Scotland, but to no purpose. An order of the council for sending out 1,200 boys and as many girls from Ireland was never executed. The New Englanders were vainly solicited to occupy a country more fertile than their own. At last some hundreds of poor families from the island of Nevils were induced to emigrate to Jamaica, where they formed the first real population.¹

The protector destined another fleet under Blake to act against the French in the Mediterranean, and to protect commerce from the Barbary corsairs. He wrote to King Philip requesting that Blake might be received as the admiral of a friendly power, and the request was fully granted. Blake sailed in October and his arrival at Naples in December was highly advantageous to Spain by causing the Duke of Orme to abandon a naval expedition which he had planned against that city. Blake then went for provisions to Leghorn where he was made

¹ See Venables, *Narrative*, ed. Park, London, v., 66, 234.

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welcome by the Tunis authorities. From Leghorns he sailed for Tunis. The Moors had made many Englishmen captive, and when Blake would have treated for the release of an English man, the Dey refused his overture. The strength of Tunis defied attack, but a few miles to the west, in the harbour of Porto Farina, nine Moorish men-of-war lay under the shelter of a fort and batteries. Before Blake could do more than reconnoitre, the necessity of getting provisions and water obliged him to leave the African coast for some weeks. On his return he found the Dey still intransigent. On April 4 he sailed into Porto Farina to deliver his attack. When he had mastered the fire of the fort and the batteries, he sent his boats to burn the ships. The gun-boat *Arcton* was first, the whole squadron was destroyed with pretty loss to the English, and Blake withdrew his fleet almost unharmed. This brilliant exploit first showed what ships could do against fortifications and spread the fame of the English throughout the Mediterranean, but it did not quell the ruler of Tunis.² The Dey of Algiers, whom Blake next visited, renewed a treaty of the year 1646 and allowed him to recruit a large number of his countrymen.

At this time the King of Spain made a last effort to maintain friendship with England, and sent the Marquis of Lede as ambassador extraordinary to the protestant. The negotiation failed on the two cardinal points of the question and the West Indian trade, and soon afterwards the English attack on Hispaniola became known in Europe. Hitherto Blake's operations had been useful to Spain, and he had supplied his wants from the Spanish islands of Sicily and Sardinia. But in June, when at anchor off Cadix, he received secret orders to intercept the *Flota de Indias* as well as any ships carrying troops or supplies from Spain to the West Indies. The Spaniards had taken alarm and had kept back the *Flota* fleet while preparing a squadron in Cadix to meet it and escort it home. When the squadron put to sea, Blake followed it for some distance but would not attack it, because the relations between England and Spain were still doubtful. Long service had left his ships so foul and his crew so sickly that he was forced to return to Lisbon before the end of August. Thence he sailed for Eng-

² *Thackeray*, III., 300.

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land, arriving almost exactly a year after his departure. The Spanish government had resolved that war was inevitable, had ordered Carleson to quit England, and had laid an embargo on English ships and goods. Thus the protector was rendered free from his dream of war with Spain in the Indies and peace with Spain in Europe. English clothiers and merchants were deeply aggrieved by the interruption of trade with Spain, and even in the council some still argued in favour of peace. Cromwell was immovable and on October 20 issued a declaration of the grounds for the war, which were substantiated, although they did not justify his indirect and double method of dealing.

The negotiation with France had been quickened by the approach of war with Spain, but it was for a while suspended by a remarkable incident. The Duke of Savoy, Charles Emmanuel II., was a minor, and since his mother Christina, the regent, was a daughter of Henry IV., his state might be regarded as a dependent ally of France. In his territory certain valleys of the Cottian Alps had been inhabited since out of mind by the Vaudois or Waldenses, disciples of a medieval reformer, Peter Waldo, who in the sixteenth century adopted Calvinism. Such was their constancy and such the strength of their fastnesses that Duke Philibert Emmanuel in 1561 granted them toleration within their ancient bounds. Of late, various causes had put enmity between the Vaudois and their rulers. The regent had forced catholic movements upon them. They, in pursuit of a livelihood, had spread far beyond their own territory. In January, 1655, Christina commanded them to retire thither within three days on pain of death and confiscation, unless they would become catholics or sell their property to catholics. Troops were sent to enforce the regent's orders, and, where they met with resistance, burnt the villages and massacred men, women, and children. French regiments quartered in the mountains came to their help and shared in their crimes. In the course of May tidings of these atrocities reached England and roused Cromwell to instant action. He communicated with the Duke of Savoy; he called on Louis XIV. to interpose; he wrote to the chief protestant states asking them to co-operate on behalf of the Vaudois. He appointed a day of humiliation and opened a collection for the relief of the sufferers, giving £5,000 himself. Nearly

444,000 were collected, a sum far larger in proportion to the CHAP.
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masses of the people than any similar subscription for the victims of a great calamity in modern times.

Louis, who could not afford to trifle with the protector's friendship, consented to intercede with the rebels. Under the double pressure of France and England Charles at length gave way, and the rebels promised to pardon the rebels. He even enlarged somewhat the limits within which the Vaudes might enjoy liberty of conscience, and gave those who were exiled elsewhere a longer time to sell their property¹. The protector, although not fully satisfied, signed the matter no further and resumed the negotiation with France. A treaty of peace and friendship was signed on October 24. The two powers undertook not to assist each other's rebels. They agreed to name arbitrators who should assess the damages due to subjects of other governments for losses as shipwreckers or merchants, and should decide whether the forts in Acadia taken by the English ought to be restored to the French. As the arbitrators were never appointed, the damages were never recovered, nor were the forts restored in the time of the commonwealth. Other articles were designed to promote commerce between England and France. By a secret article Charles Stuart, his brother James, Duke of York, and seven sons of their chief followers were excluded from France, while the persons who had negotiated on behalf of Condé and the city of Bordeaux were to be banished from England.

In another quarter Cromwell had hopes for himself and for the protestant cause. The victories of Gustavus had raised Sweden to the rank of a great power. The Swedish crown possessed the whole of the eastern and parts of the southern seaboard of the Baltic. Charles X. King of Sweden contemplated a war with Poland in order to seize West Prussia and the mouth of the Vistula, where he hoped to raise a large revenue by tolls on commerce. The Elector of Brandenburg, who feared Charles for a neighbour, and the Dutch republic, which feared lest the whole Baltic seaboard should pass under Swedish control, joined to thwart this design. Both the Dutch and the Swedes tried to make an alliance with England. The pro-

¹ See the statement cited by Gardiner, *History of the Commonwealth*, iii. 479.

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toes, imagining that the catholic powers were about to join in a general attack on protestantism, and regarding Sweden as the traditional defender of the protestant cause, suggested to Bonald, the Swedish ambassador, that Charles should attack the emperor, the chief of catholic sovereigns. Such an attack would also disable the emperor from assisting his enemies, the King of Spain, against France and England. Cromwell was so far from understanding the aims of Charles or the aims of his enemies as to propose an alliance between England, Sweden, Holland, Denmark, and Brandenburg. Charles invaded Poland, overran the whole kingdom, forced the Elector of Brandenburg to a peace, and gained well-nigh absolute control over the Baltic. Between statesmen so completely at variance no cooperation was possible.

CHAPTER XIX.

THE SECOND PERIOD OF THE PROTECTORATE.

THE war with Spain filled the last three years of the life of Cromwell. In that war almost every advantage was on the side of England. The English commonwealth was ruled by a great soldier and statesman; the Spanish empire by a weak and worn-out voluptuary. England possessed the finest navy of the age, the Spanish navy had shrunk into insignificance. The English army, although not large, was equalled in excellence by the Swedish alone. The Spanish army was still respectable, but the loss of illustrious Spanish captains had ended, and only the energy and resource of Condé saved the Spaniards from being driven out of the Netherlands. Spain already had a most formidable antagonist in France, which was well situated for co-operation with England. Under these conditions Spain could neither strike with effect nor even parry the blows of the enemy, and England throughout took the offensive, usually with success.

During the winter of 1655 the protector turned himself to equip a powerful fleet. Blake, who was to command once more, had spent under long and hard service. He received a colleague in young Edward Montagu, cousin of the Earl of Manchester, Cromwell's old chief. Montagu had commanded a regiment in the civil war, but he had not yet gone to sea, and although he wanted neither courage nor capacity he owed his advancement to Cromwell's personal friendship. The admirals sailed from Torbay at the end of March, too late for their first task, the intercepting of the treasure ships, which safely entered Cadix. They had probably been instructed to seize some defensible port on the Spanish mainland as a base for future operations. Cadix and Gibraltar were both considered, and

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were thought too strong. The English cruised off Cadix for a time in some doubt how to damage the enemy, since the Spaniards would not come out to fight. The dwindling trade of Spain was almost wholly conducted by foreigners and in foreign ships, so that Blake and Montagu, who did not think fit to establish a blockade of the Spanish ports, made scarcely any prizes.

King John of Portugal felt a scruple of conscience about ratifying the treaty of 1654, which allowed Englishmen in his dominions to worship as they would in their own houses. Cromwell sent Philip Meadows to insist on ratification, and ordered the admiral to support the demand. In May, therefore, Blake appeared at Lisbon, and King John, in fear lest he should waste the approaching Brazil fleet, ratified the treaty without more delay. Then Blake returned to his station off Cadix, and the admiral spent the summer in desultory movements, hoping to intercept the next treasure fleet, which had been detained in American ports by orders from home. After long waiting in vain for a squadron from Cadix to escort it, the Plata fleet sailed from Havana on July 14, as the Spanish government was in urgent need of money. It consisted of eight ships, and spent nearly two months on the voyage. Captain Stuyvesant, who had been left to watch Cadix with the *Argonauta*, sighted it on the evening of September 2, pursued it through the night, and attacked the next morning. In the action which ensued, all the Spanish ships, except three of little value, were taken, burnt, or driven ashore. The Marquis of Baylen, sometime viceroy of Peru, with his wife and daughter perished in one of the burning galleons. Out of the treasure on board the fleet more than half went to the bottom of the sea, the residue became the prize of the victors.¹ From a prisoner they learnt that the second Plata fleet lay in the harbour of Havana, and might be expected by the end of the year. In October Montagu returned to England with the prizes and the spoil. The silver was loaded on eight and thirty carts, and conveyed to the Tower amid ringing of bells and firing of cannon.

The Spanish government tried to employ² against the protector whatever republic feeling might remain in England. In July, 1654, Charles, who had long felt uncomfortable in Paris,

¹ See Firth, "*Blake and the Battle of the Azores*," *English Historical Review*, vi., vol. (1900), and the introduction therein cited.

are that Marcin and Cromwell were gradually drawing together, and determined to quit France of his own accord before he should be requested to do so. After a brief stay at Spa and Aix-la-Chapelle he settled at Cologne. Upon the breach between England and Spain, he opened a negotiation with the Ambassadeur Leopold, the governor of the Netherlands, and went onspeed to Brussels, where a treaty was concluded on April 2, 1696. Philip promised to give Charles 4000 Spanish troops whenever Charles should have secured a port at which they might disembark. In return Charles undertook that when he became king he would help Philip to reconquer Portugal, would renounce all the West Indian possessions gained by the English since 1650, and would allow no more English colonies either in the islands or on the mainland. He also promised to suspend the penal laws against the catholics, and use his best endeavours for their repeal.¹ Charles reserved a pension, and was allowed to recruit Bragha. Some time afterwards the Spanish government assisted him to raise six regiments of his own, chiefly by summoning English, Irish, or Scottish subjects to quit the French service.

When the English and the French were both at war with Spain, it was natural that they should form an alliance. The harm done to English shipping by Flemish privateers quickened Cromwell's desire to secure Dunkirk, which he could not do without French assistance. But Marcin and Louis XIV. did not wish for close ties with England. They might reasonably hope to prevail over Spain without binding themselves to place Dunkirk in the hands of their dangerous neighbour. Marcin, who had already given scandal to devout Protestants by contracting so many alliances with protestant states, was loath to contract another. Finding the French thus reserved, Cromwell sent as ambassador to Paris Sir William Lockhart, a capable and adventurous Scot, who had attached himself to the English interest. Although Philip at last bowed himself to yield those territories which Louis demanded, he required in the high temper of Spanish chivalry that the Prince of Condé who had served Spain so well should be restored to all the honours, offices and estates forfeited by his treason. Neither

¹ *Mémoires y Relations, Colléctées de son Frere le Duc de Bourgogne*, vii., 302, cited by Guizot.

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on private use on public grounds could scarcely submit to such a suggestion. He felt the necessity of ending as soon as possible a war which had lasted twenty-one years and had exhausted France only less than Spain. He therefore yielded to the protector's importunity and undertook that, in return for an auxiliary corps, Danzig should be conquered and handed over to England.

The instrument required that, in case of war with any foreign state, a parliament should forthwith be summoned to give its advice. The Spanish war involved heavy expenses at a time when there was already a large deficit, and the government was afraid to levy new taxes by mere arbitrary power. The major-generals were at hand to overcome the difficulty and to influence the election. Cromwell therefore required to call another parliament and issued the writ in July. The result was disappointing. Those who condemned the protector's government on principle were outnumbered by those who detested the austere sway of the major-generals. Vane could not offer himself for election, having been imprisoned on account of a pamphlet in which he urged that a convention should be freely chosen to settle the form of government. But among the republican leaders were Hurdingley, Bradshaw, Scot, and Ashley Cooper, who had gone over to the opposition before the close of the last parliament. On September 17, Cromwell opened the parliament with a speech more than usually discursive. He laboured to justify the war with Spain, which had never been popular. The Spaniard, he declared, was the natural enemy of the English nation, "because of that enmity that is in him against whatsoever is of God". He went on to justify the process bestowed on the major-generals and the "destitution" of the royalists. For the future, security and reformation were to be endeavoured; security by vigorous prosecution of the war with Spain; reformation by continuing the good work already accomplished for the Church, by care for public morals and by the amendment of the law. "The truth of it is, there are wicked and abominable laws that will be in your power to abate. To hang a man for drunkenness, thirteen pence, I know not what; to hang for a trifle and to pardon murder—is in the administration of the law through the ill-fitting of it. I have known in my experience abominable crimes

supplied. And to come and see men lose their lives for petty matters, this is a thing that God will reckon for." Doubting, hesitating men, he warned the house, were not fit for their work. He brought them not to disputes of unnecessary and unprofitable things, and reminded them significantly that he was by the voice of the people supreme magistrate.¹

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Now did he trust to exhortation merely. Under the instrument it was the duty of the council to examine whether the persons returned to parliament had the necessary qualifications. The council took an unfair advantage of the requirement that they should be "of known integrity, fearing God, and of good conversation" to exclude all the rigid republicans, however irreproachable for morals and party. When the members refused to the house, they found a guard at the door, and only those who had received a certificate of approval were allowed to enter. Many of the excluded members signed a remonstrance which was read in the house and commenced a debate. The house resolved to demand of the council why certain members had been denied admittance, but when the council alleged the provisions of the instrument, it passed the demand no further. A hundred had been shut out and some fifty more refused from taking their seats, so that the parliament was reduced by one-third of its full strength. Those who remained did as the government wished. They passed one bill declaring void the claim of the house of Stuart to the English throne, and another to secure the person of the protector. They voted the war with Spain to be just and necessary, and promised to support it with vigour. They hoped that the rich booty taken by Stuyver would make further taxation needless; but its net value proved on inquiry to be no more than £125,000 in bullion, and equivalent to the value of £50,000, the rest having been emburied by the capture. After long discussion the parliament voted in January, 1657, a sum of £400,000 for the Spanish war.

At this time a political reaction was spreading over England. That great multitude who were neither adherents of the house of Stuart nor republicans on principle craved for a stable government acting by known laws. They did not hate Cromwell himself, indeed they generally regarded his power as their best

¹ *Diary, Letters and Speeches of Oliver Cromwell*, Speech 2.

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defence against anarchy. The fierce enmity of the levelers and Fifth Monarchists recommended the protector to conservative minds. But Cromwell was advancing in years; his robust frame was beginning to give way under toil and anxiety, and he might at any moment be stricken. So long as the office of protector remained elective, his death might cause some commotion, for none of his lieutenants would be willingly accepted as master by the rest. Many, therefore, desired to make it hereditary. Others wished to go farther. The protectorship was unknown to the law of England; kingship was recognised by that law. The protector's powers were indefinite; the royal prerogative had been defined by statute and custom. Those who upheld a king *de facto* were by an act of Henry VII. secured from penal consequences; those who upheld a protector had no such defence if monarchy were removed. For these reasons many would have made Cromwell king. The officers had pressed the crown upon him after the dissolution of the little parliament. In the first parliament of the protectorate it had been moved to offer him the crown. In the same parliament it had been proposed to substitute hereditary succession for election to the protectorate.

Cromwell had discouraged both propositions, yet he had reasons for desiring a change. The instrument had been neither a successful nor a popular constitution. It derived its force from no national consent, but from the mere will and pleasure of the army. Cromwell must have desired that the legislature should supply the defects of the instrument and confirm his own position as head of the state. He showed himself more and more anxious to win over those who were eager for monarchy, an established Church, and the maintenance of public order. The understanding between Charles and Philip and the moderation of Charles so near to England gave new courage to cautious royalists. They conspired abroad and, although their plans were discovered and thwarted, it was desirable to do more and swallowish their hopes. It might be supposed, therefore, that Cromwell would not so firmly discourage proposals which tended to secure his own power and respect his dignity. In October, Colonel Myles, member for Cork and Youghal, raised the question of making the protectorship hereditary. Most of the officers opposed the change while

the other friends of the government favoured A. Cromwell declared himself adverse, and recommended the house to put off the discussion. It obeyed, and was soon absorbed in a wholly alien subject, the punishment of a merry quaker, James Nayler.¹

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James Nayler was one of those enthusiasts who collect a small band of adherents, especially women, and become intoxicated with their adoration. Either he imagined himself the Son of God or he believed that Christ dwelt within him in some eminent and peculiar way. On October 14, 1655, he made a triumphal entry into Bristol in imitation of Christ's entry into Jerusalem. He was arrested with some of his followers and sent to London for trial. The parliament appointed a committee to examine him. After it had reported, Nayler was called to the bar and examined by the speaker. Although he disclaimed any pretensions to be the Messiah, his answers excited such horror that the house determined to punish him in spite of dissensions by some of the most reasonable members. Assuming that it had all the powers formerly enjoyed by the two houses, and therefore the judicial power of the house of lords, it sentenced Nayler to lie twice set in the pillory, to be whipped, to be branded, and to have his tongue bored with a hot iron, then to be sent to Bristol for a second scourging, and finally to be imprisoned in Bridewell, restrained from all society, and kept to hard labour with no relief but what he earned by that means. When the first part of the sentence had been executed, compassionate men and women began to petition for mercy, and, finding no response from the parliament, turned to Cromwell. Cromwell, although declaring his abhorrence of Nayler's fault, desired the parliament to state the grounds of their proceeding. The parliament adjourned the consideration of his letter, which they never resumed for fear of raising an insoluble question. Had the parliament only so much power as the instrument conferred, or had they all the powers ever possessed by any parliament? Was the parliament only a partner in sovereignty with the protection, or was it sole and absolute sovereign?

After this outburst of intolerance the parliament went on

¹See the list of Puritan Fools' two series, "*Cromwell and the Quakers*," *English Historical Review*, vol. x, 1895, and the author has since cited.

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to consider the best way of maintaining the new militia. The military members of the council advised a continuance of the "decimation," and Desborough obtained leave to bring in a bill for that purpose. A strong party in the house opposed the bill, arguing that a general taxation of royalists, irrespective of their behaviour, violated the act of oblivion passed in 1651. Cromwell himself protested that the sense of the nation condemned this tax as part of the military rule personified in the major-generals. When the bill came up for a second reading, his own son-in-law, John Claydon, moved its rejection, and his bosom friend Lord Broughill seconded the motion. The bill was accordingly lost. About the same time a new murder plot was detected. Sexby had suborned for this purpose an old soldier named William Sindercombe, who stood accuser in Cawell, another old soldier, and Toope, one of the protector's life-guards. They had various plans to shoot Cromwell, but courage or opportunity always failed them, and at length Sindercombe tried to fire Whitehall in the night of January 8, 1653. Toope had betrayed him, and he was arrested before he could accomplish anything. He was tried and sentenced as a traitor, but killed himself on the eve of execution. The parliament ordered a public thanksgiving for the protector's escape, and went in a body to tender their solemn congratulations. Sindercombe's plot showed once more how precarious was a government which depended on the life of one man, and strengthened the wish to render it more secure.

When the parliament was debating how it should express its concern for the protector's danger and joy at his deliverance, John Aysc, member for Somerset, and one of the leaders of the presbyterian party, moved that he should be requested to accept the government according to the ancient constitution, so as to baffle the plots of their enemies. Several of the officers resisted the motion, which was allowed to drop. But the project was revived on February 23, when Sir Christopher Paken, one of the members for the city, presented to the house a so-called address and remonstrance, drawn up by some of the chief men in that party which desired to make Cromwell king, possibly by Lord Broughill and Chief Justice Glyn. After a sharp debate, it was agreed that the paper should be read. It was the first draft of the famous document known as the *Blanket Petition* and

Advice. It provided that Cromwell should take the title of king, that there should be a second house of parliament, and that persons chosen to serve in parliament should not be excluded otherwise than by the judgment of that house to which they belonged. The second house was to consist of not less than thirty nor more than seventy persons, who were to be nominated to the first instance by the protector, but no new member was to be admitted next by the consent of the house. No man was to be admitted to the council without its own consent, ratified by both houses, nor was any councillor to be removed without the consent of parliament. A yearly revenue of £1,000,000 was to be settled for the support of the army and navy, and a yearly revenue of £300,000 for the civil administration, parliament having power to grant from time to time what further supply might be necessary. The protector and parliament were to settle a confession of faith, which none might scold. Dissenters were to be tolerated if they held the doctrine of the Trinity and acknowledged the Scriptures to be the word of God; but this toleration did not extend to popery or prelacy, or to those who published horrible blasphemies or professed licentiousness or profaneness under the pretence of Christ. *Unbecoming of public worship were to be duly punished.

The address and remonstrance narrowed the religious freedom granted by the instrument, but by so doing it touched the prejudices of the presbyterians. It lessened in some respects the powers which Cromwell had assumed, for it made the houses arbiters of their own composition, it gave them a much larger part in the choice of councillors, and it extended their control over taxation. But it gave him the title of king with all the traditional majesty and influence annexed to the crown, and it interposed another house between him and that elective chamber which had proved so unruly. It gave him authority the sanction of law, it lessened the danger to his life by creating a successor, and it extended to all his supporters the protection of the statute of Henry VII. Some royalists, according to Clarendon, believed that making Cromwell king was the best expedient towards the restoration of Charles; but the wiser royalists, he adds, thought that it would destroy all hope of that restoration, because the people were more attached to monarchy than to any particular person, and would gladly ad-

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been to a king however unlawful.¹ From this we may perhaps infer that the address and remonstrance was not intended to the public.

Lambert, supported by Finewood and Desborough, and most of the officers in the house, opposed the address and remonstrance, which was defended by the laymen and the court party so-called. After another keen debate the house resolved to discuss the paper clause by clause. On February 17 Lambert and a hundred other officers had an interview with the protector to urge that he should abide by the instrument. Cromwell answered them in a singular speech. He disclaimed all previous knowledge of the address and remonstrance, and added that the kingly title was to him a mere feather in the hat. But he asserted that they had made him their drudge upon all occasions; that they had urged him to compel the long parliament, to call a convention named by themselves, to call the parliament which followed, to appoint the judges-germane, and, lastly, to call the parliament then sitting. The instrument had proved faulty, and the people were tired of arbitrary rule. The proceedings of this parliament showed the need of a second house as a check or balance, since the case of Naples might be any man's case, while there was no limit to their judicial power. This round reproof took effect, for some days afterwards a committee of officers waited on the protector and declared themselves ready to acquiesce in whatever he should think for the good of the nation.²

March was spent by the house in debating the clauses of the address and remonstrance. Notwithstanding all that the officers could do, the revival of the kingly office was carried by 117 votes to 61. Finally the draft was adopted, with some small additions, but with few alterations more than of the name, which was changed to a "humble petition and advice". On the 12th, the parliament waited on the protector at the banqueting house of Whitehall, and tendered him the fruit of its labours. Cromwell desired a short time to take counsel of God and of his own heart. Three days afterwards he declared his refusal of the kingly title. The parliament resolved that it

¹Clarendon, *loc. cit.*, 111; the whole passage is remarkable.

²For the account of Cromwell's speech, see *English Historical Review*, *vol.*, 31 (1912), the text of the speech is in the additional MS., 4113.7 104, British Museum.

would continue to urge the petition and advise upon him, and presented to Cromwell its reasons for so doing. He replied in terms of hesitating refusal, but added that there were many other things in the document beside the acts of king which needed consideration. Then the house named a committee of twenty-nine to confer with the protector, and to report the particulars in which they could not satisfy him. Several conferences ensued, the protector raising difficulties in a manner which betrayed the agitation of his mind. The kingly title, he urged, had not been found necessary to effective government; it might give scandal to many loyal upholders of the commonwealth; it might seem to have been blotted by Providence. Other rulers who had accepted the crown from the parliament had worse degrees, at least, of hereditary right; he had none, but had undertaken the government from the necessity of keeping order. Cromwell's hesitation was such that the members of his own family and his most trusted servants did not know how he would resolve; but from the tone of his speeches many inferred that he would not by accepting the crown, and the house spent a week in amending the petition and advice, so as to meet his wishes. It also confirmed the acts of the little parliament and the protector's ordinances made in the first nine months of his government. When it asked for a positive answer, Cromwell at length said on May 8 in the day. After considering the petition and advice as a whole, he declared that he could not accept the title of king.¹ Deep was the disappointment of the majority, and severe was the blame bestowed on Cromwell for going thus far and then stopping.

Cromwell had been held back by the repugnance which so many of the soldiers felt for kingship. As late as May 8 he is said to have privately told some members of the committee that he would accept the advice, petition and advice. Meeting Dedborough, he learnt that if he took the crown Dedborough and Fleetwood and Lambert would resign, and so, they believed, would other officers of high rank. Dedborough was Colonel Pride, who resolved to petition the house against reviving kingship. The petition was signed by some thirty officers, and

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¹ See Carlyle, *Letters and Speeches of Oliver Cromwell*, *Speeches* vii. 275; Whitelocke, *Memorials*, pp. 455-57; Froude, *Fletch's second article and the collection and the throne*.

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presented by Colonel Mason, for the military chiefs would take no overt part, Fleetwood even declaring that the petition ought not to be considered at a time when the house was awaiting the protector's reply to its offers. Nevertheless, the petition served its purpose, since Cromwell, knowing that as yet there was no sure foundation for the commonwealth without the army, would not divide the army against itself. Several of the officers had already declared themselves willing to accept all the other clauses of the petition and advice, if the offer of the crown were omitted. After some fruitless debate the parliament acquiesced in Cromwell's refusal and substituted the title of protector for that of king. The petition and advice with this amendment was accepted by Cromwell on May 25.¹

On June 25 his second inauguration was celebrated in Westminster Hall with the utmost pomp. In presence of a great assembly of councillors and judges, soldiers and members of parliament, Cromwell took his stand on the dais under a rich canopy. The speaker clothed him in a robe of purple lined with ermine, presented him with a richly gilt Bible, put him with the sword, and placed in his hand a sceptre of many gold. Then he administered the oath to maintain the rights and privileges of the people, and to govern according to law. Cromwell seated himself in the chair of state, with the ambassador of France on his right hand and the ambassador of the United Provinces on his left, the councillors and officers of the household standing about him, while the trumpets sounded and the people shouted, and the herald proclaimed the lord protector. At the close of the ceremony he was escorted in solemn procession to Whitehall, and the parliament adjourned itself until January. Thus necessarily was returning to England in the usual order of progression, first the power, then the splendour, and last of all the name; but even the name might be judged not far distant.

At the same time that Cromwell's authority received the sanction of parliament, it was glorified by success in war. After Montagu had returned to England, Blake continued his watch of Cadix throughout the winter, an achievement then unparalleled and only possible because he had access to the friendly port of Lisbon. On February 11 he heard from an English

¹ Clarendon, ii., 274.

shipper that the *Flota* fleet had been seen steering for the Canaries. Blake resolved to go in quest of it with his whole force, but he was obliged to wait for supplies, and when at last his ships were victualled he learnt that the galleons had disembarked their treasure at Teneriffe and lay at anchor in the bay of Santa Cruz. He sailed for the Canaries, and on April 23 he was off Santa Cruz, where every preparation had been made to repel his attack. A strong castle mounting forty guns defended the mouth of the harbour, and seven forts, flanked by bombworks for musketeers, commanded the space within. Sixteen Spanish ships, seven of them upwards of 1,000 tons burden, were moored under cover of the forts. Blake, who remembered Porto Farina, did not hesitate for a moment. Early on the next morning he called a council of war and laid down the plan of battle. Stuyvesant with twelve frigates was to destroy the ships, while Blake himself with the rest of the fleet assailed the fortifications.

Stuyvesant led the way into the harbour and cast anchor within a pistol shot of the Spanish admiral. The Spaniards had placed their ships so awkwardly as to shelter the English from the fire of their own land batteries. At such short range Stuyvesant's well-directed fire told fearfully. The Spanish admiral and vice-admiral blew up, and as the remaining ships fell silent and were abandoned by their crews, Stuyvesant sent in his boats to burn them. Some the English sought to carry off as prizes, but these were also burned by Blake's express order. Meanwhile Blake had mastered the fire of the forts. After a contest of seven hours there remained of the Spanish fleet nothing but a few charred wrecks floating on the water. The English had lost no more than 30 men killed and 120 wounded. There was yet some danger, for several of the ships were almost disabled, the wind blew straight into the bay, and the Spaniards manned their forts afresh and reopened fire. Blake's veterans, notwithstanding, warped out their ships and brought them all off. The treasure, which had been carried inland, was not taken, but it was useless to Spain, and the Spanish operations against Portugal and in Flanders were crippled for want of money.¹ In June Blake was ordered to return with part of

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¹ *Ibid.* Park. "Blake and the Battle of Santa Cruz," *English Historical Review*, vi., 228 (1901).

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the fleet. A three years' campaign had broken his health, and he died on August 7 as his ship was entering Plymouth Sound. He was honoured with a public funeral and a grave in Westminster Abbey. By his devotion to duty, his unflinching courage, and his power of inspiring the men under his command, he had renewed the great tradition of the Elizabethan admiral, and had not an example nearly equalled until the days of Hawke and Nelson.

An alliance between the French and English governments was for some time retarded by discordant views. The protector was unwilling to furnish troops. The French demanded to begin the joint operations with an attack on Dunkirk, and Turenne alleged that it would be needful to defeat the Spanish army before besieging any of the Flemish ports. The protector wished to enlarge the alliance by including the Swedes, the Danes, and the Dutch to join in a grand attack upon both branches of the house of Austria. Mazarin raised the objection that the Dutch at least were better disposed towards Spain than towards France or England. When these difficulties had been overcome, the treaty of alliance was signed on March 25. It stipulated that England and France should join in attacking Gravelines, Dunkirk, and Mardyke by sea and land; that France should contribute seven troops and England 8,000, who were to be paid by France, that when taken Gravelines should belong to France, Mardyke and Dunkirk to England, but that if Gravelines were taken first, the English should hold it as security for Dunkirk. The English soldiers, although acting with the French, were to form a separate corps under a general of their own. The Roman Catholics were to have the free exercise of their religion in towns acquired by the English. By a secret article each state undertook not to conclude a separate peace with Spain for a year from the signing of the treaty. In this alliance each party sacrificed something: the English, by helping what formerly they had always tried to hinder, a French conquest of Flanders; and the French, by assisting to plant the English power on their own side of the Channel. But, since France was much more likely than England to keep whatever she might win, there is some truth in the reproach so often made against Cromwell that he laboured

to aggrandise a strong and ambitious neighbour at the expense of one that was discreet and harmless. CHAP.
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The campaign should have been opened in April, but the English and French were not ready, and the Spaniards who took the field first were able to strengthen the garrisons of Dunkirk and Gravelines. When Turment at last put his army in motion and invested Cambrai, Condé raised the siege and forced him to retire to St. Quentin. There he was joined in May by 4,000 English soldiers under General Reynolds. Although a large proportion were new recruits, their robust soldierly appearance was warmly praised by Turment and by King Louis who passed them in review. Turment laid siege to the inland towns of Montmédy and St. Vrain. The Englishmen fought well, but were apt to sicken if food ran short or desert if not promptly paid, so that by September the camp had lost one-third of its strength. Dissatisfied with the employment of his troops, Cromwell addressed such sharp remonstrances to Mazarin, that Turment at length approached the coast, hoping to make the Spaniards fight a battle. He declared that Mardyke only could be taken so late in the year. Cromwell sent him a reinforcement of 2,000 men and fitted out a squadron to co-operate with the besiegers. Mardyke fell on September 23 and was delivered to the English, who thus gained control of the canal leading from Dunkirk to the sea. In November Don John of Austria, the new governor of the Netherlands, with Charles II. and the Duke of York, made a vain attempt to recover the place. A long series of bloodings about the defence of Mardyke ensued between the protector and the French.¹

The Swedish king, who had provided no easy traction, desired to have at least one friend. In July, 1655, he made a commercial treaty with England to the effect that the tolls levied in the ports of Poland and Pomerania subject to his authority should never be raised higher than they were in 1640, and that, if they were lowered in favour of any other nation, the benefit should extend equally to the English. Soon afterwards the many princes who hated and feared Charles X. joined in a formidable confederacy to pull him down. The Emperor Ferdinand

¹ See letters in Clarke Papers, iii., and Fitch, "Royalist and Commonwealth Leaders in Flanders," *Transactions of the Royal Historical Society*, N. S., vol. vii., 25.

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III. having died in April, 1652, his successor Leopold made an alliance with the Poles against the Swedes. The Tsar Alexis invaded the Baltic provinces of Sweden. Frederick III. of Denmark declared against Charles in July; the Elector of Brandenburg changed sides once more, and the Dutch seemed about to pass from ill-will to active enmity. Calvinists and Lutherans, papists and the adherents of the Greek Church were arrayed side by side against Charles; a clear warning to Cromwell that foreign policy could no longer be based on difference of religion. Thus hard beset, Charles quitted Poland, which was well-nigh lost, transferred the war to Denmark, and tried to make an alliance with England. Cromwell was ready to mediate on behalf of Sweden, but would not promise to declare war on Denmark, and could not afford that help in money which Charles most urgently required.

In England unusual quiet followed Cromwell's second installation as protector, although Sexby still wore conspiracies against the tyrant. With the help of Captain Titus, a puritan exile, he wrote the famous pamphlet *Killing no Murder*, which was printed in Holland and thence smuggled into England. As it did not permit upon any man to risk his own life in trying to take the life of Cromwell, Sexby came over to hearten his friends, but was betrayed and arrested when embarking for the return voyage to Holland. He was sent to the Tower, where he fell sick and died in January, 1655. Cromwell formed a new council of state, re-appointing most of the old members. Lambert refused to take the oath required of a councillor by the petition and advice, whereupon Cromwell dismissed him from his command as major-general and took away all his other commissions. The fall of this brilliant soldier and aspiring politician seems to have passed without notice. In the autumn Cromwell began to select the members of the new house of lords. He nominated seven peers of England, one of Ireland, and one of Scotland, certain sons of peers, and several baronets and country gentlemen. The rest of his lords were members of his own family, soldiers, and officials. Of the peers two only, Lord Fauconberg, his son-in-law, and Lord Eure, who had sat in the little parliament, would obey the summons. Even such partisans as Manchester, Saye, and Wharton declined to sit beside men who had fought

their way up from the condition of draymen or cobblers. In CHAP.
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all story-three persons received writs, of whom forty-two accepted and were sworn in, some of the rest being absent on the public service.

On January 26, 1831, the parliament met for its second session. As the petition and advice had taken from the common peers to test the qualifications of members, the excluded members mostly came back and were admitted on taking the oath of fidelity to the protestant. About thirty of his staunchest adherents had been withdrawn to the new house of lords, so that the temper of the commons was profoundly modified. The proctor's speech, brief and weary, betrayed his failing strength.¹ The republicans were determined not to accept without card the petition and advice which had been passed by shutting them out, and they found in the new house of lords the most available part of the constitution. Within three days the houses began to wrangle. When the lords sent a message to the commons proposing a public fast, the commons merely replied that they would send an answer by messenger of their own. Then they debated whether they should address the new body as the lords or "the other house". According to the republicans the style of lords would imply that it inherited all the powers of the former house of lords and was co-ordinate with the commons, thus re-establishing a hindrance to the will of the people expressed through their representatives. The term "other house" would limit it to the powers expressly conferred by the petition and advice, mere judicial powers without any voice in legislation. Scott and Cooper with Haslegrave, who, although summoned to the house of lords, preferred to keep his seat in the house of commons, were foremost in the attack. The old house, they said, was mischievous, but it at least represented property in land which the new house could not pretend to do. The court party, as they were called, dwelt on the need of a check to hasty legislation, and recalled the public services of many of the new lords.

Cromwell,² in alarm, summoned the houses to Whitehall on the afternoon of January 27. He dwelt on the combination of catholic powers against protestantism, on the coward preparations,³ on the divisions in England, on the unrest of Scotland

¹ *Croft's, Letters and Speeches of Oliver Cromwell*, Speech 200.

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and Ireland. He reminded them that the pay of the army, their sole defence, was several months in arrear, and exhorted them to unity as the only means of averting a new civil war, which must be fatal to an exhausted people.¹ It was all in vain. Between him and half the house of commons no principle of co-operation could be found. He took an early opportunity to declare that he was bound by an oath to maintain the privileges of both houses. The republican leaders went on discussing the other house and rejected every curb on the resolutions of the commons. They sought to form an alliance with the malcontents in the army and with the fifth monarchists everywhere. They set on foot a petition to the commons asking for a parliament with unrestricted powers, and for security that officers and soldiers should not lose their employment save on due trial before a court-martial. When it should have been presented, they would demand the recall of the long parliament and the restoration of the republic. This ferment gave new courage to the royalists. Charles sent Ormond to London, and prepared on his favourable report to sail with such troops as he had collected. Cromwell learnt that the petition was to be presented on February 4, and resolved to strike first. Without notice and without ceremony he went down to parliament that morning in a hackney coach, sent for the commons in the house of lords and spoke in terms of trenchant rebuke. They had not only disarmed themselves but the whole nation; they had endeavoured to engage the army; they were playing the King of Scots' game; and he thought himself bound before God to do what he could to prevent it. "I think it high time that an end be put to your sitting. And I do dissolve that parliament. And let God be judge between you and me." "Amen," said his adversaries, and Cromwell's last parliament vanished.²

His controversy with it was the same as with the former parliament. He held that, unless the parties could agree to accept a constitution with checks on the power of a single elected house, they could not hope to rule the three kingdoms and absorb the indifferent or hostile masses. The republicans held that such a constitution was unsound in principle, and that the petition and advice, not having been adopted in a full and free

¹ Clarendon, *Lectures and Speeches of Oliver Cromwell*, *Speeches* etc.

² *Ibid.*, *Speeches* etc.

partisans, was dull and void. As there was no way of reconciling such a difference, Cromwell went back for the third time to the rule of the sword. Two days after the dissolution he addressed a meeting of the officers in defence of what he had done, and invited those who could not approve to speak their minds. Most of his hearers expressed their readiness to live and die with the protector; but the officers of his own regiment of horse owned themselves dissatisfied, and, after conferring with him several times to no purpose, were ordered.¹ The army as a whole proved faithful, and Cromwell's prompt decision extinguished all the hopes of the royalists. Ormond, finding that he could do nothing, and that his presence in London was useless, went back to Flanders. Soon afterwards papists and delinquents were required by proclamation to leave London and Westminster. Cromwell always had good information of the royalist plots, and in April many of the conspirators were arrested. Seven of the leaders were sent before a high court of justice, five were condemned, and two, Sir Henry Slingsby and Dr. Hamit, a clergyman, were beheaded on Tower Hill. During the trial some foolish cavaliers planned a rising in the city for May 15. At the appointed hour they met at the Maresfield Tavern only to be surrounded and carried off by the militia-bands. Three of the ringleaders were afterwards hanged.

Disaffection and conspiracy at home did not abate the vigour of the protector's policy abroad. In March he concluded a new treaty with Marcin, prolonging the French alliance for another year. Reynolds having been drowned when returning to England in the winter, the command of the troops in Flanders passed first to Morice and afterwards to Lockhart, the ambassador. As the men had been reduced by hard service to one-half of their original number, they were strongly reinforced before joining Turnus's army in the middle of May. Turnus immediately laid siege to Dunkirk. The Spanish army commanded by Don John and Gueith and assisted by the English and Irish regiments which Charles had raised and sent to the Duke of York, came to relieve the town. In the decisive battle of the Dunes, fought on June 4, Cromwell's soldiers distinguished themselves by their valor. Despite the efforts of their officers to hold them in, they charged

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¹ *Clarendon Papers*, ii., 128, 129.

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In Northern Europe the victories of Charles X. had forced the Danish king to implore the mediation of the protector and Louis XIV., and their envoys negotiated the peace of Roskilde, which was signed on February 15. Cromwell still took every occasion to serve the protestant cause in Europe. He instigated a national subscription for the Polish protestants who, having welcomed Charles X., were persecuted more bitterly than ever when he had been driven out. He sought, with Mazari's help, to hinder the election of Leopold as emperor and to carry the imperial crown out of the house of Hapsburg. He failed in that and in his endeavour to dissolve the alliance between Leopold and the Elector of Brandenburg. Nor could he reconcile the elector with Charles of Sweden. The protestant princes of Germany would not marshal themselves under that ambitious king, whom they distrusted and feared, in order to overthrow the house of Austria which could no longer do them injury. Instead of accepting the part of an unselfish protestant hero, Charles renewed the war against Denmark in the hope of subduing that kingdom altogether. The relations of the English with the Dutch grew more and more unfriendly. Knowing that France was far more dangerous than Spain, they saw with alarm the progress of the alliance and gave Philip what secret help they could. In defence of their establishments in Brazil, they declared war against Portugal, thus indirectly assisting Spain, although they did not venture to refuse the mediation of France and England. Afraid of vengeance to their com-

¹ *Charles Papers*, III., 122-23.

macro: if our powerful king gained absolute control of the Sound and the Baltic, they favoured Denmark in its rivalry with Sweden. They still differed from the English regarding the right of search, and still clashed with the English in the oriental world. Cromwell, however, was able to break with a protestant power and the Dutch shrank from another war with England.

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Notwithstanding his disappointments, Cromwell was more feared and courted than any other sovereign of his time. Even before the fall of Dunkirk, a magnificent French embassy, headed by the Duke of Créqui, came to congratulate him on the success of the allied arms and to declare the respect and friendship with which Louis XIV. regarded the lord protector. Victory abroad seemed to lessen his authority at home. Every plot had been crushed so easily that the most vigorous royalists despaired of effecting ought while Cromwell lived. Charles, who had gone into exile when yet a boy, was unknown to the public and evoked scarcely any interest. If the unflinching republicans, the levelers, the anabaptists, and the fifth monarchy men hated Cromwell worse than ever, their strength was dwindling and their enmity recommended his rule to quiet citizens. He had by degrees removed so many of the sternest enthusiasts from the army that the officers gave him no more trouble, and he could count on the obedience of the privates. In seeking to revive old political institutions he honoured the lawyers, the presbyterians, still the most numerous partisan sect, and all those who, with no very definite bias, liked a system that they could understand and a government strong enough to ensure tranquillity. As he believed that the republican opposition had lost ground, Cromwell intended to call a new parliament and obtain a grant for the prosecution of the war. A peace, which could not be far distant, would enable him to make large economies, to balance income with expenditure, and to reduce the grievance most widely felt, the heavy burden of taxation.

The permanence of Cromwell's work might seem ensured by a hopeful family. Three sons had died early, but Richard and Henry were in the full vigour of manhood. Richard had led a private life until his father resolved that he should be the next protector. He was then made colonel of a regiment of

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house and a member of the council of state, and in 1657 succeeded Oliver as chancellor of the university of Oxford. Henry had fought in the Irish war, had been appointed major-general to the army in Ireland, and had become lord deputy in succession to Fleetwood. Both were married and had children. Of Cromwell's daughters the eldest, Bridget, was married, first to Innes, and afterwards to Fleetwood; Elizabeth to John Claypole, a Northamptonshire squire who became a member of the protective house of lords; Mary to Thomas Bellamy, Lord Viscountberg; and Frances to Robert Rich, grandson of the Earl of Warwick. Under the influence of her husband, who was a zealous baptist and a political malcontent, Lady Fleetwood became estranged from her father and abandoned his house. Frances lost her young husband in February, 1657. A grief more acutely felt was the lingering and painful sickness of Lady Claypole, a graceful and charming woman, generally beloved and her father's favourite. In her last days he forgot all public business to watch by her bedside, and her death on August 6, 1658, gave him a shock from which he never recovered.

For a long time Cromwell's strength had been declining. The story that his nerves broke down under the constant peril of assassination, that he never slept twice in the same room, nor returned from a journey by the way he went, rests only on the evidence of anecdotes and is so improbable that it may be rejected. No conspirator against his life had ever come near success, nor can we suppose less firmness in Cromwell than is found in those sovereigns of the present day, who follow their business or their pleasure under the constant menace of a horrible death. But Cromwell had endured much hardship in the field and as a ruler had borne far more than the common load of toil and anxiety. The political fabric which he had reared could be upheld only by unrelenting personal exertion. Although he prevailed over all his enemies, he bought success at the cost of life. After his daughter's death he fell into a tertian ague or intermittent fever which consumed his vital force. On August 20 George Fox, who met him entering Hampton Court Park at the head of his guards, "saw a mist of death go forth against him". That very day the ague returned more violently than before. When it abated, the physicians advised his removal to Whitehall, where he took to his bed. At first

he was hopeful of recovery in answer to the prayers offered on his behalf, but as his strength waned, he resigned himself to death. "I would be willing," he said, "to live to be further serviceable to God and His people, but my work is done."¹ During these last hours he bore himself with the devout courage of a partisan soldier. In answer to a question put by Thurloe as to the end drawn near, he named or seemed to name Richard his successor. On the afternoon of September 3, the anniversary of Dunbar and Worcester, the day which he had always kept as one of thanksgiving, Cromwell died. His body, after it had been embalmed and had lain in state, was privately interred in the chapel of Henry VII., but the ceremony was followed some time afterwards by a public funeral more insignificant than becometh the stern and simple greatness of the man.

At the present day it should be possible to judge Cromwell with equity. No reasonable person now believes that he was a conscious hypocrite or a downright self-seeker. None will now deny that religious conviction gave the original impulse to his whole career. To him as to so many other partisans the form which Charles and Laud strove to impose on the Church of England was thoroughly unedifying and unscriptural, a hindrance not a help to the Christian life, and a means of leading the people back into errors which they deemed pernicious. As they were not allowed to remain outside the Laudian system, they resolved on its destruction. At the same time they wanted the steady encroachment of the crown on the liberties of the subject, and naturally took the side of a partisan house of commons against an Arminian king. When the king had been overthrown, Cromwell and his friends found that the majority of their own partisan brethren grudged them that spiritual freedom which they had done so much to conquer. They quelled the presbyterians also, but they could keep the fruits of their second victory only by remaining masters of the three kingdoms. The commonwealth rested on such a narrow basis that it was in constant danger and yet its friends could not agree *settling* themselves. What was left of the long parliament could no longer pretend to represent any large part of the nation, yet would not agree to dissolution. In settling it

¹ Charles Henry, *A Collection of Several Passages Concerning the Late Highness Oliver Cromwell, in the Year of his Death.*

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made and grasping supreme power Cromwell might honestly believe that he was doing the greatest possible service to "the people of God," to puritan England, that he was exerting assiduity and preparing a reconciliation of parties. So far as we can judge, he was not a man of miraculous foresight. Circumstances modified his conduct, each step led to the next, and his saying that no man rises as high as he who knows not whither he is going was best exemplified in his own elevation.

When Cromwell had repelled the parliament he was still guided by practical considerations. The army would not have borne, nor did he desire the establishment of an absolute monarchy. He was too English, too conservative not to deem parliaments a necessary part of any enduring political system. But he was not a republican on principle like Ludlow or Sidney, still less a democrat of the modern type. In the political debates of 1647 he had propounded "the general good of all the people of this kingdom" as the true aim of the legislature. "That's the question, what's for their good, not what pleases them." He was not, he avowed, "wedded and glued to forms of government". Moreover, he regarded "the interest of the people of God" as the supreme object to which the interest of the greater part of the nation must in case of conflict give way. He first conceived an assembly roughly representing "the people of God," the little parliament. When that proved unreasonable, he adopted the plan of a balance between a "single person" and a parliament, only to find that the parliaments which he called would not overlook the irregular origin of his power or consent to treat him as a co-ordinate authority. Then he was forced upon the alternative of governing by the sword or of resigning his office and exposing to the most imminent danger, the spiritual freedom for which he and his brethren in arms had fought. He parted in anger from both his parliaments, but with the instinct of a statesman he saw that a military rule must be precarious, and would doubtless have reversed the attempt to harmonise the protectorate with English tradition and with popular feeling.

Meanwhile he was in that dilemma which often embarrasses the successful leader of a revolution. He could not maintain his power now by methods even more arbitrary than those of the king whom he had ousted in the name of the law. He

needed a great army and therefore imposed heavy taxes without the shadow of parliamentary assent. He invested his majesty-grants with such power as put every Englishman's freedom at their discretion; he imposed severe restrictions and penalties upon whole classes, he imprisoned great numbers of suspected persons without bringing them to trial. He sent rebels to the plantations by mere administrative order, and tried conspirators for their lives before extraordinary tribunals unknown to Coke or Selden. He continued that interference with the amusements of the people which began under the long parliament. A great part of the nation must always have regarded him as a tyrant. Yet those who judge him with due allowance for the standard of that age will not think Cromwell naturally cruel or vindictive. Even Clarendon expressly owns that he was not a man of blood. The conduct of his Irish campaign and the ensuing settlements of Ireland illustrate not so much his peculiar hardness of heart as the passionate concern to his whole party. In other cases he showed himself economical of life. He was slow to resolve on the trial and execution of the king. He refrained more than once from inquiry into the conduct of those whom he knew to be intriguing with Charles II. He repeatedly suffered the escape of liveried assassins when they were in his power, and even sent Quarend an indirect hint to leave London. Like most great men of action he was a considerate master.

We can only conjecture a statesman's motives; we can number and measure his acts. The unwilling probe of bitter foes like Clarendon is proof of Cromwell's greatness as a ruler. Although he failed in his enterprise of reconciling parties and laying a new order upon the general will, he upheld the puritan commonwealth while he lived and he saved England from a premature reaction which might have undone all that had been accomplished since the meeting of the long parliament. Although he failed to quell the national instinct of the Scots and of the Irish, he effected the first complete union of the three kingdoms. He gave a precedent of religious toleration, which, however imperfect, went far beyond anything yet known in England. He sought to effect improvements in the law which after his death were postponed for nearly two centuries. Without any pretensions to learning, he respected it in others,

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defended the universities of Oxford and Cambridge against attacks of his own party, and founded a new college at Durham for the education of the northern youth. He showed his regard for letters by the favour which he extended to Halliwell, Cowley, and Cleveland, all of them political adversaries. His administration might be costly, but it was not wasteful, and under him all the public services were wound up to the highest pitch of strenuous performance. Whatever exception may be taken to some parts of his foreign policy on grounds of wisdom or of justice, it bears the stamp of large ideas and daring resolutions. He saw the full value of colonies and commerce to England, and he enlarged the foundations of her empire in the new world. He taught the continental powers to dread her energy and court her alliance. By making a protestant commonwealth sister of Europe he raised all protestant states in their own opinion and in the opinion of mankind. The politicians of our day may wrangle as to where his statue should be placed; for him as for all great statesmen his country is his monument.

CHAPTER XX.

ANARCHY AND REACTION.

RICHARD CROMWELL succeeded his father without any disturbance and was at once proclaimed protector of the commonwealth of England, Scotland, and Ireland, and of the territories pertaining to them. Foreign states hastened to recognise his title, and addresses of congratulation poured in from all quarters. Richard was thirty-three years of age. His enemies could not deny that he was gentle and virtuous, nor his friends affirm that he possessed uncommon abilities. He lacked the vigour necessary to a ruler whose title was so recent. The fervent royalists, indeed, were too few to be dangerous. The various political and religious sects which had harassed Oliver, the pure republicans and the levelers, the stiff monarchy men and the antiroyalists, were still hostile to the government, but they had lost influence, for the people was swaying towards old ideas in Church and State. The great majority, feeling that anarchy which ensues on a basis of revolution, were willing to obey any authority which could maintain peace. They felt however no positive loyalty towards the reigning house, nor any awe for the young protector. Active support Richard could expect only from that group of public men who, whether from interest or conviction, had attached themselves to his father's fortunes, such as Thurloe, Bengell, and Lockhart, and from the army. There Richard, when compared with his father, was at a disadvantage. As the greatest captain of the age, Oliver wielded a direct and irresistible control over officers and men. As a mere civilian, Richard could govern the army only through his generals. The most powerful among them were bound to him by family ties, for Fleetwood had married his sister, and Desborough his aunt, and under no other government could they reasonably expect

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to be so influential or so highly considered. They might, notwithstanding, be tempted to sell their services at the highest possible rate and to make the civil ruler, if possible, their instrument.

An army which feels itself the saviour of the state loses by degrees the sense of duty and learns to claim a privileged position. From Richard's accession onwards the officers resorted to London in great numbers and held weekly meetings at Fleetwood's residence, Wallingford House. There too the chief officers, "the army gentlemen," met in select committee, sometimes resorting to Desborough's house for greater privacy. The outcome of these debates was a petition that Fleetwood might be made commander-in-chief in the three kingdoms and be authorized to grant commissions to all lost field officers and also that no officer might be admitted or cashiered otherwise than by court-martial. Thus the army would become a self-governing corporation and its chief would stand almost on an equality with the chief of the commonwealth. At a meeting held on October 8, Fleetwood told the officers that he had imparted the petition to the protector who refused to abandon his control of the army. He therefore advised them to lay aside the matter for the present, and this was done. Nevertheless they went on to hold weekly meetings at St. James's "to seek God for a blessing on the affairs of the nation," and "a very excellent spirit of prayer appeared among them," an omen of rising political excitement and meditated revolution. In November they began to break out and to "hint at some alterations in the army, as if good men were put out and worse were put in". On the 19th, therefore, Richard summoned all the officers in London to attend him at Whitehall, and reminded them that both the civil and the military government were vested in him and that, as they had acknowledged him protector, he had a claim on their loyal assistance.¹ His modest and persuasive tones affected his hearers and gained him another respite.

He summoned a new parliament in order to obtain supplies and raise a banner against the direction of the army. The elections were held, not according to the Instrument but on the old system, and the parliament met on January 23, 1659. Although the most distinguished opponents of the Cromwellian

¹ *Charles Fairfax, ib.*, 163, 30.

dynasty, Vane, Ludlow, Langens, Crozer, Scott, and Harle-
 rigg, found seats in the new house of commons, the total
 number of republicans was small. After the protector had
 opened the session, Secretary Thurloe brought in a bill incor-
 porating his title, which the republicans vociferously opposed.
 They threw doubt on the nomination of Richard by Oliver;
 they declared that his office could be conferred by parliament
 alone; they argued that the petition and advice, as the work of
 a constituted house of commons, was invalid, and that it required
 amendment since it made the protector virtually absolute. The
 court party, however, prevailed, the house agreeing to recognise
 Richard's title, and in the same bill to provide for the rights
 and liberties of the people. Then the position of the other
 house was hotly debated. The commons at last resolved to
 recognise it during the present parliament. They further re-
 solved that they did not intend to exclude such peers as had
 been faithful to the parliament from the privilege of a man-
 ner. On the other hand, some arbitrary acts of the late
 protector were reversed, and several political prisoners regained
 their liberty.¹

Defeated in parliament the republicans had recourse to the
 sword. By so doing they betrayed their own principles, since
 they appealed from a representative assembly to the power of
 the sword; but they were too angry for reflection on the con-
 sequences. The ferment among the troops had broken out
 again in February. The officers and soldiers generally were
 impatient for their arrears of pay, and took to force the
 privilege of interfering in State affairs. The chiefs feared lest
 they should be called to account for their actions as major-
 generals. Such of the army as were sincere partisans took
 offence at Richard's cautious temper. He had asked a nation-
 alist, random man, whether he was to prefer none but the godly,
 subjoining "Have a Dick Ingoldsby, who can neither pray nor
 preach, and yet I will trust him before ye all". Lastly, there
 were in the inferior ranks many republicans who had held their
 peace under Oliver but were open to rebellion under Richard.
 The republican statesmen might therefore hope to render the
 army their lever in overturning the protector, and Ludlow,

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¹ *Letters, Thurloe, v., 46-47; Common's Journals, vi., 303-444.*
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colan, 200. Vane, and Hacking, quoted a correspondence with the generals at Wallingford House.

On April 5 some 500 officers assembled there. After a fiery harangue against the war of Royal, Desborough proposed to swear all who would not swear that they held Charles Stuart to have been lawfully and justly executed. Though it started, saying that if any oath were required, it should be one of fidelity to the established government. Finally the meeting agreed on "a humble representation and petition," which was laid before Richard and by him forwarded to the speaker. After having it considered for several days, the commons resolved that there should be no more general meetings of officers without the leave of the protector and of both houses, and that none should be allowed to retain a command who would not subscribe a promise to respect the freedoms of parliament. Richard, on April 12, went to Wallingford House and declared the council of officers dissolved. Thus the crisis had come when the army must either submit to the parliament or turn it out of doors. Richard was advised to arrest Fleetwood, Lambert, and Desborough, but forbore. Fleetwood ordered all the regiments in London to rendezvous at St. James's, and few soldiers obeyed the protector's countermand to rendezvous at Whitehall. Next morning Desborough went to Richard and declared that, if he would dissolve his parliament, the officers would take care of him; but that, if he refused, they would act on their own authority and leave him to shift for himself. After a hard struggle Richard gave way. A resolution to dissolve the parliament was drawn up that night and delivered to Fleetwood and Desborough. When the commons met the next morning they rather suspected than knew what had passed, but when black rod came to summon them to the house of lords they sought to avoid the ignominy by adjourning to the day after. A proclamation made known that the parliament was dissolved, the doors were locked, and a guard was set in the court of requests to turn back obstinate members.¹

The army was once more supreme, but the officers would not venture to make laws by their own authority, and there-

¹State Papers, ii., 121-22; Letters, Monks, ii., 137-138; Whitelocke, p. 405.

It was deemed it necessary to restore a form of civil government. The republicans proposed to recall the long parliament, but the military chiefs were unwilling to deposit Richard. In conference with the republican leaders at Vane's house, they demanded an indemnity for themselves, a confirmation of Richard as protector, with a suitable maintenance, government by a representative assembly and a select council, and the unpromised reformation of the law and the currency. Although the republicans would not agree to continue the protectorate in any form, the officers consented to retreat the ramp. A deputation waited on old Speaker Lenthall, and declared the wish of the army that the parliament should return to the discharge of its duty. Lenthall hesitated, for he was one of Cromwell's lords; yet on May 3, amid the congratulations of the officers, he led the way into the house of commons, attended by forty-two members of the long parliament. The commons appointed a committee of public safety, and announced their resolution to maintain a commonwealth without a single person or a house of lords.¹ Richard lingered a few days at Whitehall, but soon retired to Hampton Court and thence into obscurity, withdrawn until his death in 1712. His tame withdrawal lessened the fear of civil war. In Scotland, Monk, who might have supported him in resistance, acknowledged the new order. In Ireland, Henry Cromwell, who was suspected of meditating an appeal to arms, wrote on June 15 to Lenthall declaring his submission, and a few days afterwards sailed for England. Lockhart and the troops in Flanders followed the example then set. Louis XIV. and Musarin, who had proffered their help to Richard, soon recognised the new government, and the other sovereigns of Europe did likewise. So easy and legitimate was the fall of the house of Cromwell.

The restored parliament consisted of about 120 members, but it was nearly that half of this number took part in a division. The excluded members, still upwards of 200, sought to return, and addressed to the speaker a protest which was left unanswered. Intriguing that the most formal republicans could have regarded a body so small and so much out of date as a true representation² than the parliament which the army had expelled, yet such men as Vane and Ludlow had no rallying

¹ *Latham, Memoirs*, I., 75-85.

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about its right to speak on behalf of the people. Having voted that it would dissolve on May 7, 1660, a year after its restoration to power, it began to consider the details of a new form of government. Some time was spent in restoring the administration and providing for current expenses. Little change was made in the conduct of affairs at home, but abroad the policy of Cromwell was abandoned. Before Cromwell's death the Dutch, finding the ambition of Charles II., had sent a fleet to assist the Dutch. Richard and his council sent Montagu with a fleet to observe the course of events and support Mindowe, the English envoy, in mediating between James and Sweden. The parliament sent Algernon Sidney and two others to succeed Mindowe and instructed them to use their influence on behalf of Denmark, not as Cromwell would have desired, on behalf of Sweden. In so doing it sought amongst other things a good understanding with Holland. Negotiations for a peace having begun between France and Spain, it was anxious that England should be included, and therefore accredited Lockhart once more as ambassador to Louis XIV. Lockhart went to St. Jean de Luz, where Mazarin was conferring with Don Luis de Haro, and was well received, although he did not accomplish his purpose. The parliament had a double reason for this pacific temper. When Europe should be at rest it could recruit more and it could disband a great part of the army.

No sooner had the army restored the parliament than the old schism between the two powers broke out afresh. In May eighteen of the principal officers carried up to the house a petition asking, among other things, for a select senate co-ordinate with the commons, a council of state, and a provision for Richard. The house agreed to name a council, referred the provision for Richard to a committee, and ignored the request for a senate. In June it gave Fleetwood command over all the forces in England and Scotland, but withheld the primary power of choosing officers. Lambert, Desborough, Berry, Ludlow, Haselrigg, and Vane were joined with him to nominate persons for the approval of parliament. Every commission was to be signed by the speaker, who was to present it with his own hands. These regulations caused much discontent, for with the change of government every officer had to take out his commission afresh, and if his loyalty were doubted was

remained, without even the form of a hearing.¹ The army, finding that the house meant to keep it in subjection, might have revolted at once but for a common danger. The overthrow of the house of Cromwell had rebounded greatly to the advantage of the house of Stuart. The public, finding no term to negotiation and disliking military rule, began to regret that old order which alone seemed to promise stability. Charles and Hyde sought to gain the most current of Richard's partisans and in many cases were successful. They expected that Monk would bring the army from Scotland and Montagu the fleet from the Sound to support the restoration. A simultaneous rising in many parts of the kingdom was planned, and Charles himself, with Ormond and a few others, went secretly from Brussels to Calais that he might be ready to cross at the right moment.

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But the parliament had inherited Cromwell's excellent system of intelligence with the able and zealous official who worked it, and Secretary Thorpe was well informed of the motions of the conspirators. The fear of the army still lay heavy on the conspirators. When August 1, the day fixed for the general insurrection, came, the cathartes were rare and, with one exception, trivial. John Mordaunt and a few friends tried a rising in *Sprey*. Gloucester was to have been surprised by its old defender Mordaunt along with Lord Herbert and other royalist and presbyterian leaders, but they were quietly arrested the day before. In Cheshire, Sir George Booth and the Earl of Derby raised their standard at Warrington, gathered some 5000 men, and entered the city of Chester. They dared not breathe the name of Charles, only declaring their wish to secure a free parliament and a government according to law, and when some eager royalists proclaimed the king, many of the insurgents went home. The commotion, however, spread into Flint on the one side and Lancashire on the other, and caused grave alarm at Westminster. Lambert was despatched against Booth with three regiments of foot, three of horse, and one of dragoons, and reinforcements were summoned from Ireland and Flanders. On August 29, Lambert attacked the rebels at Warrington Bridge near Warrington and dispersed them with little loss. Booth and several other ringleaders were taken either then or a few days later and lodged in the Tower, but loyalty was shown

¹ *Latham, Remains*, ii., 279.

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and no blood was spilt. Monk and some of his friends had drawn a compromise to parliament, which they were careful to destroy on hearing of these events, and Montagu, who had suddenly returned with his whole fleet, as he said to get provisions, found no party to support. The general insurrection failed as pitifully as all other attempts had failed since the battle of Worcester.¹

Success banished the fear which for a little while had reconciled the parliament with the army. Lambert was indignant that the house would not reward his service with the rank of major-general. His officers, assembling at Derby, named a committee which drew up a petition to parliament. It demanded that the petition tendered in May should be taken into consideration, that Fleetwood should be appointed permanent commander-in-chief, that Lambert should be made a general officer and be given the second place, and that Desborough and Monk should rank next after them. A copy having first been sent to Fleetwood, the matter came to the knowledge of the house, which called for the original, and as high displeasure resulted that to have any more general officers was needless, chargeable, and dangerous to the commonwealth. Fleetwood was ordered to inform the petitioners of this resolution and to reprimand them for their indiscretion. Enraged at the rebuff the officers began slack their meetings at Wallingford House. On October 5 they sent up a petition protesting their fidelity to the commonwealth, but asking that the command-in-chief might be settled and that no officer or soldier should be cashiered, save after a due proceeding at court-martial. While considering the petition in an friendly spirit, the house learnt that the officers had been devising it throughout the country and procuring their comrades to obtain subscriptions. As Monk had sent unreserved assurances of his loyalty, the members thought that they might safely mark their indignation. They passed a bill annulling all acts of the single person and his council save in so far as confirmed by parliament, and declaring it treason to levy any ~~army~~ without their consent. They annulled the commissions of Lambert and several other officers who were parties to the latter meeting sig-

¹ *Landon, Memoirs*, ii, 207-214; *Clarendon Papers*, iv, 34-41; *Clarendon*, vii, 22-41.

masters, and they voted the supreme command in a committee of seven, whereof Fleetwood was but one. On October 12 Lambert called a meeting of officers who promised their help. On the next morning he invested the parliament house with his troops and denied all access to members. Little more than five quarters after its restoration the long parliament was expelled a second time by the army.¹

The officers appointed Fleetwood commander-in-chief, Lambert major-general, and Desborough general of horse, and resolved that they, with these officers, should have the power of nominating to commissions. What political order to establish was a more embarrassing question. The army tried to negotiate with the leaders of the camp, and, failing them, with the council of state which continued to sit for a fortnight after the parliament had been driven out. One or two honest republicans, such as Vane and Ludlow, while condemning all that had been done, were willing to act with the army soever, thus risk a restoration of the Stuarts, and a few incorporating politicians, such as Whitlocke, were prepared to comply with reasonable terms. Finally the officers named a committee of safety, consisting of twenty-three persons, mostly military, although Whitlocke was president and Ludlow and Vane were members. This body named a sub-committee to prepare the draft of a new constitution, for it was recognised that government by the sword could not be lasting. England remained quiet, and the army in Ireland made little demand on accepting the latest revolution, but the army in Scotland proved less tractable.²

Always doing his professional duty while seeming to ignore politics, Monk had successively served the king, the parliament, the protector Oliver, the protector Richard, and the restored parliament. Whatever he might feel, he had not interfered to save Richard or to aid the recent insurrection. Impelled perhaps by conscience, more probably by ambition, he at length abandoned this passive behaviour and stood forth as the champion of the liberty and authority of parliament. He wrote to the regicide protesting his loyalty and to Fleetwood and Lambert rebuking their lawless violence. When the officers at Wallingford House sent Colonel Coburn to notify the

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¹ *State Papers*, iv, 46-47; Whitlocke, pp. 184-85.

² Ludlow, *Memoirs*, ii, 112-92; Whitlocke, pp. 419, 490.

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army in Scotland that the expulsion of the camp was just and necessary; Monk had him arrested at Berwick and thrown into prison. The committee of safety sent Monk's brother-in-law, Dr Chagoy, and Colonel Talbot to treat, and various officers and clergymen lent their aid to effect an understanding. Even then Monk's opponents impeded to him the design of restoring Charles, and in after years he was glad to have this believed, but it is unlikely that he was so far into the future or aimed at more than the power and popularity to be gained by asserting the supremacy of the law against the passions of the camp.

He began to purge his army of those officers whom he could not trust and to draw his scattered forces together. As the weaker party he was obliged to temporize, and named three commissioners for a treaty. He could not risk calling the Scots to arms, but in order to secure the country in his absence and obtain what help he might, he summoned commissioners from the shires and burghs to meet him at Edinburgh on November 13. After telling them that he had a call from God and His people to march into England and assert the liberty of parliament, he empowered them to suppress all tumults and unlawful assemblies and required them not to correspond with Charles Stuart, engaging at the same time that he would do his best to procure an abatement of their burdens. They returned a cordial answer, for in any event the Scots were likely to be gainers. The officers in England distrusted Monk, and while they consented to negotiate they agreed that Lambert should march northwards with all the troops available. Lambert met Monk's commissioners at York and declared that he had powers to treat with them. As they insisted upon the restoration of the parliament, he acknowledged that his powers did not extend so far and sent them on to London, where a treaty was concluded on November 15. It provided amongst other things that a parliament should be summoned as soon as possible, and that meantime the forces on either side should be drawn back.¹

When Monk was informed of the treaty he declared it insufficient, and proposed to increase his commissioners to five, who should begin a new negotiation with a like number from

¹ *Clarendon Papers*, iv., 49, 126.

the army in England. The proposal was accepted, and New- castle was chosen for the place of meeting. Instead of falling back, however, the troops on either side advanced, and Lambert and Monk fixed their headquarters at Newcastle and Berwick respectively. Monk, who could dispose of 6,000 foot and 1,500 horse and dragons, was weaker than Lambert, who had three as many horse and dragons, although no more than 3,000 foot. Monk had no available reserves, whereas Lambert could draw upon a great force of regular troops and militia. In other respects Monk had the advantage. He could trust his own, while Lambert's troops were lukewarm and divided in opinion. He could meet his expenses, as the Scots had agreed to prepay the assessment, but Lambert, for want of money, was obliged to levy taxes by his own authority or to let his soldiers live at free quarter, thus causing general dissatisfaction. Monk knew by the report of friends in England that time was working in his favour and he was therefore content to spin out the negotiation. It was better, for he could demand no less than the recall of the parliament, which his adversaries could never willingly allow. Clearheaded friends advised Lambert to break off the treaty and take the offensive, but he seems to have been tormented by those scruples which so often haunt the soldier who has set himself above the law.

Meanwhile the committee appointed to draft a constitution agreed that there should be a new parliament of a single house. The constitution, when finished, was ratified by an assembly representing the army and navy, and a proclamation ordered that the parliament should meet in February. But already the power of the constitution of public safety was undermined. The nation had long been weary of its quarters, and the army was discontented. That stored fire of enthusiasm which had conquered three kingdoms was burning low. The soldier had no great idea, no intelligible cause for which to fight, nor any leader whose personal excellence could supply that want. Fleetwood was a weak enthusiast, Lambert an unscrupulous politician. Marvellous men, like Ludlow, were staunch republicans, blamed the explosion of the ring; others who were attached to the house of Cromwell had not forgiven its dethronement. Colonel Wetherill, the governor of Portsmouth, undertook to remove Hasting, Morley, and Walton, whom the parliament

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had named commissioners for the army. When they joined him on December 3 he pronounced for the restoration of the parliament. The troops went to besiege Portsmouth passed¹ over to his side. Admiral Lawson and the fleet on the Downs declared for the parliament, and the army in Ireland took the same side. The city of London showed such a temper that a rising against the soldiers might take place at any instant. Winthrop advised Fleetwood either to make common cause with the city and declare for a free parliament, or to gain Charles Stuart by offering to effect his restoration upon terms. While Fleetwood was lost in consultation, certain members of the old council of state met at Lenthall's, ordered a rendezvous of the regiments in London, and bade the general surround the keys of the parliament house. On Monday, December 26, the long parliament, a second time restored, met at Westminster.¹

Two days before Monk had broken off the negotiation with Lambert. He had concerted with Fairfax a rising of the northern gentry to take Lambert in the rear, and the news which reached him from the south of England gave every ground to hope that an invasion would be successful. On January 2, 1660, he crossed the Tweed at Coldstream. When tidings of the restoration of the parliament was brought to Newcastle, Lambert's affairs lost courage, his soldiers dispersed, and in a little while he was reduced to some fifty followers. At York Monk received the orders of the council of state to come on to London, enrolled some of Lambert's men in his army, and sent some of his own troops back to Scotland. On the 16th he set out from York through a country deep in snow. Near Leicester he was met by Scot and Robinson, the commissioners of the parliament, who came ostensibly to render thanks and congratulations, really to observe his actions and divine his plans. He received them with profound respect, but he did not disclose his intentions. All along his line of march he received addresses calling for the restoration of the excluded members and the election of a full and free parliament, and in all he returned brief and evasive answers, for he was still uncertain how to act and would not commit himself until he had felt the pulse of the nation. When he reached St. Albans he invited the parliament to ensure the peace of London by sending away

¹ Winthrop, pp. 260-61; Clarke Papers, vi., 279-81.

all but two of the regiments then in garrison. It complied, and on February 3 Monk and his troops marched into the capital.

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The parliament had not really desired the presence of the soldier in whom it craved its restoration. It was even weaker than before the last explosion, for members who, like Vane and Winthrop, had condoned that act of violence, no longer dared to take their seats, and the house never mustered more than fifty-three as a division. Its first act was to appoint a new council of state consisting of twenty-one of its members with ten others. Monk, Lawson, and Morley were among the associates, but most of the body were civilians. In the council and in the house Hardridge and Scott had the largest share of influence. Many officers were thanked for the part which they had taken in the recent usurpation. Lambert, who had surrendered, was ordered to reside at a distance from London. Members of the council of state were required to align the house of Stuart and government by a single phrase. The house resolved to fill up its numbers to 400, and then proceeded to settle the qualifications. Monk was rewarded with an estate of £1,000 a year. He was solemnly received by the commons and was thanked by the speaker. In his reply, while he forbore any words which might seem to adopt the wisdom so often expressed to him during his march from Scotland, he dwelt on that earnest desire for a settlement which he had observed in the nation, and hinted that the fewer the costs and engagements required the sooner such a settlement would be attained. The house was not altogether pleased with his evident anxiety to walk on public opinion.¹

Outside the house men called more and more loudly for the readmission of the excluded members. It was especially desired by the presbyterians, who would thus regain their supremacy. But the camp, which would lose power and the means of defending all those principles, political and ecclesiastical, which it most valued, would not hear of readmitting the excluded members, and persevered with the alternative plan of filling up vacant seats. The city of London, the stronghold of the presbyterians, was well-nigh in a state of rebellion, and the common council resolved that the citizens were not bound to pay taxes until their representatives were restored to the house.

¹Winthrop, p. 215.

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The council of state ordered Monk to cleanse the city by removing the posts and chains in the streets, by taking down the gates, and wadding the portcullises, and by arresting the citizens who had been foremost to encourage resistance. He marched into the city and executed these orders, while the houses revolved on the dissolution of the common council and the election of a new one by its own adherents. Monk returned to Whitehall with the conviction that he had done enough to gratify the oligarchs and that public opinion summoned him to adopt a new policy. On the 11th he marched into the city once more, invited himself to dine with the lord mayor, harangued the common council, reviewed what he had done under constraints, and announced that he had written to the parliament requiring it to fill up vacancies and to dissolve by May 6 at the latest. Then the passions so long repressed by fear broke out in a frenzy of delight; the soldiers were fested by the people, the bells of all the churches were rung, the streets were all aglow with bonfires, and at every bonfire a ramp was raised in mockery of the parliament.¹

Yet Monk had not fully complied with the demands of the citizens. Not until a conference at his quarters between the chiefs of the hostile parties had proved fruitless did he yield to the rising demand for the restoration of the excluded members to their seats. He invited them to meet at Whitehall on the next, and sent them back under a guard to the parliament house. Thus the independents, who had ruled England for upwards of eleven years and had done so many great and so many questionable things, fell from power and became once more a weak and unpopular sect which might deem itself happy if it could escape proscription. The presbyterian majority treated as null and void all that had been done in parliament since December, 1645. It named a new council of state, associated itself with the city, which advanced £50,000 to meet current expenses, and released a number of political prisoners. It did not, however, show a vindictive temper. Lambert was summoned before the council, and on failing to give security in an anonymous sum for his good behaviour, was committed to the Tower, but no other person suffered punishment, and the leaders of the ramp were allowed to keep their seats. New houses

¹ Prynne, *History*, February 22, 1649.

and rewards were heaped upon Monk, who was made commander-in-chief of all the forces in England, Scotland, and Ireland. None yet mentioned a word about restoring Charles, and Monk himself declared loudly and repeatedly for a commonwealth.

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On one point, indeed, the house had lost nothing and forgotten nothing. Still bent on a rigidly presbyterian settlement of the Church, it adopted the Westminster confession and ordered the Solemn League and Covenant to be set up in every parish church and to be read once a year. It fixed April 25 for the meeting of a new parliament and named a committee to write the qualifications. Royalists who had borne arms against the parliament were allowed to vote at elections, although they might not be chosen unless they had redeemed their guilt by giving some proof of their good affections. Members were no longer obliged to profess that they would be faithful to the commonwealth as established without king or lords. The parliament passed an act debarring the militia and providing for its re-organisation by persons who could be trusted. Finally it dissolved itself on March 25 after an existence of nearly twenty years. It had long outlived its usefulness, but the result of its labours is still felt by England and by all the states which have copied English institutions.

The presbyterians, who were again in the ascendant, had always been opponents of monarchy, and the Solemn League and Covenant provided for the defence of the king's person and authority. Those who had no definite political opinions were tired of frequent revolutions, heavy taxes, insecurity, and the rule of the sword. The royalists were full of hope and believed themselves to gain a majority in the new parliament, while the republicans were powerless, for they had no recognised leader, and their friends in the army had been displaced to make room for officers whom Monk could trust. In despair some thought even of restoring Richard or of inviting Monk himself with supreme authority, but such schemes were visionary. Most began to think that the restoration of Charles II. was inevitable, and that he would do well to gain the merit of effecting that which would otherwise be accomplished without his help. Sending privately for Sir John Grenville, a son of that Sir Bevil who fell at Lansdown, a kinsman of his own and

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high in the confidence of Charles, he entrusted him with a verbal message for the king. It recommended Charles to open the way for his own return by promising an entire oblivion of all past offences, a confirmation of sales of land effected under the commonwealth, and a general indemnity. It also advised that Charles should quit the Spanish dominions at once and go to Bricks, where he might await the event in security.¹

Charles took this advice and removed with his little court to Bricks. He was not prepared to grant Monk's requests in their full extent; but since all that he learnt from England led him to believe that the new parliament would be passionately loyal, he could safely refer to its decision the matters at issue. By his former declaration from Bricks he promised an indemnity to all offenders not excepted from pardon by parliament, his consent to an act for the liberty of trade throughout, the determination by parliament of the validity of all sales of land made during the revolution, and the satisfaction in full of arrears due to the soldiers. Letters in harmony with the declaration were addressed to Monk as general; to Monk and Montagu as admiral; to the speakers of both houses at the coming parliament, and to the mayor and common council of London. Greenville carried these documents to Monk, who was satisfied with their import, and thenceforward directed all his messages to a restoration, but still maintained profound secrecy, although the city of London had sent a formal address to the council of state asking that the king should be invited to return on conditions substantially the same as those which he had suggested to Charles.

Before the parliament met a last effort was made to shake Monk's control of the army. Its old leaders were either in prison or on parole to remain quiet, but they had not lost all their influence. The officers who had been cashiered were ready for desperate courses, and many of the rank and file were urged to think that the commonwealth and with it their own supremacy in the state were drawing to a close. Lambert escaped from the Tower on April 2, made for Hatchinghampton, and sent emissaries in all directions to rally his old companions in arms. Some days were lost before Monk knew where he was hiding, and despatched Colonel Ingoldsby in pursuit. Lam-

¹ Clarendon, vol. ii, 279p.

heart had been joined by several officers of note, but he had only been able to rally a few troops of horse and one company of foot when Ingoldby with a superior force overtook him near Devontry. A parley ensued. Lambert's men who had lost heart and hope surrendered or fled, and Lambert himself was made prisoner by Ingoldby, who brought him back to London and lodged him once more in the Tower.¹ An engagement to accept whatever the parliament should resolve as to the future government of the country was tendered to all the troops. The staunch republicans had down their arms and went home sooner than subscribe, and the army, whatever discontent might linger in the ranks, gave no further trouble.

On the 25th the new parliament, better known because of its irregular origin as the convention, met. It was thoroughly royalist and perhaps half presbyterian. Nothing had yet been determined as to the house of lords, save that the act for calling the parliament recognised the right of those peers who had engaged on the parliamentary side to sit as lords. Public feeling, however, ran so strongly in favour of a return to the old constitution that two peers met in their house and chose Manchester to be their speaker, and themselves the lords retained all their powers. After transacting some necessary business, both houses adjourned to May 1. Monk still maintained the strictest reserve. When Grenville, to all seeming without his concurrence, presented the letter from Charles to the council of state, they decided that they might not read it save by permission of parliament. As soon as the house reassembled, therefore, Grenville tendered to the lords the letter addressed to them, which they received with the utmost defiance. Then the commons, hearing that a messenger from the king was at their door, called Grenville in. He delivered the letter to the speaker; it was read, and the house with one voice resolved to return their humble thanks and professions of loyalty and duty to his majesty. Both houses agreed in a declaration that according to the ancient and fundamental laws of the kingdom the government is, and ought to be by king, lords, and commons. Orders were given by the lords to pull down the arms of the commonwealth wherever they were fixed and to put up the king's arms in their stead. The report of these proceedings

¹ *Latham, Memoirs, &c.*, 297-298.

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XX. called forth a general rejoicing in London and throughout the kingdom. By Montagu's order the king's letter and declaration were read to the fleet and, although many of the captains and seamen were republicans at heart, their scruples were drowned in the universal shout of loyalty.¹ On May 27 Charles was proclaimed in London with the ancient ceremonial King of England, France, Scotland, and Ireland.

The queen was over, and what farther delay occurred was due to the preparations for the king's return. At Brede Chateau was overwhelmed with applications from persons offering to do him service and seeking for his favour, among them some even of the regicides. Foreign governments, so long cold and distant, began to court his friendship. The Spaniards invited him to Brussels; the French begged that he would visit Paris or at least embark at Calais; the States General sent a college deputation to congratulate him on arriving in their territory, and the States of Holland requested that he would come to the Hague, an invitation with which he readily complied. A few days afterwards the fleet commanded by Montagu cast anchor off Scheveningen and welcomed the Duke of York as lord high admiral. On the 25th Charles received in solemn audience the six peers and the twelve commons who the parliament had sent to solicit his return. The spokesman of the commons was that Daniel Holles who had been impeached once by Charles I. and once by the army, and had survived the power of both. With the deputies of the parliament came a deputation from the city of London and another deputation of presbyterian ministers, who flattered that it was still possible to make terms with a long race of his throne. Charles welcomed them all with the grace and good nature which were his only virtues, but kept himself free from engagements which were needless and might prove embarrassing.

On the afternoon of the 27th Charles embarked on the fleet and performed almost his earliest act of royal power by exalting the ships which still displayed the names of the heroes and victories of the parliament and commonwealth. He bestowed his own name on Montagu's flagship, the *Maid*, which bore him to England. The slow untroubled passage he beguiled with telling all who might approach his person the

¹ Pepys, Diary, May 24, 1656.

story of his adventures after the battle of Worcester.¹ Not until the second morning did he land at Dover, where a vast concourse lined the shore and Monk was waiting to receive him. At Canterbury he paraded for two days, assembled his council, and conferred the garter on Monk and Hastings. His next stage was Rochester, whence he set out on his birthday, the 19th, to make the solemn entry into his capital. The whole distance of twenty-five miles was lined by multitudes who had wrought out another up to an ecstasy of clamorous and unrestrained joy. On Blackheath the army of the commonwealth was mustered for the last time to swell the triumph of the house of Stuart. At two o'clock Charles entered London. The ways were strewn with flowers, the houses were hung with tapestry, the windows and balconies were crowded with spectators in their richest attire, the bells pealed, the conduits ran with wine, and so clear was the march that the brilliant procession took seven hours to reach Whitehall.² In that immense apartment through which his father had passed to the block the lords and commons were ranged to welcome Charles. When he had acknowledged their loyal addresses he was allowed to repose, if after such a day sleep were possible. By one of those strange ironies which abound in human affairs, it was reserved for an amiable, fatherly man of the world, a Roman catholic in his creed, a voluptuary in his practice, to close the tale of the puritan revolution.

The consequences of that revolution were, notwithstanding, permanent. It arrested the growth of absolute monarchy in England. The personal government of the Tudors had been nearly one example of a tendency at work all over Europe. Everywhere on the continent the ill-defined liberty of the middle ages had been receding before the power of the prince with his soldiers and his officials. In England, where these institutions were more coherent than in other countries and where there existed no regular army, this process was not complete when James ascended the throne, but it had gone far. Such was the power of theocracy and such the awe which it inspired that only religious enthusiasm could move the subject to inflexible resistance. Puritanism turned the scale in the conflict between

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¹ Pepys, *Diary*, May 25, 1660.

² Evelyn, *Diary*, May 29, 1660.

CHAP. III. divine right and the authority of parliament. The commonwealth proved easy and the Stuarts returned but they could not revive the star chamber or the council of the north, the use of torture in political cases, the claim to levy taxes or to impose by prerogative, or the custom of legislating by proclamation. They could not induce parliament to confine itself within those limits which Elizabeth had maintained. They could not protect ministers who had incurred the hatred of the houses of commons. When they sought to undo the results of the civil war and the interregnum, they only effected their own banishment and a further restriction of monarchy.

The partial revolution also prepared the ground for the establishment of freedom of conscience. During the middle ages the catholic Church had national conformity to one standard of belief, and had called on the state to help where its own means were insufficient. The Reformation asserted spiritual liberty rather for nations than for individuals. Each sovereign arrogated to himself the power lost by Rome and imposed his own creed upon his subjects. In the seventeenth century most men, puritan or anti-puritan, still approved of persecution and tried to use the civil government for the suppression of heresy. Chillingworth, Falkland, and Solmes on the one side, Vane, Milton, and Roger Williams on the other, stood almost alone in preaching toleration and would not have agreed with each other in applying their common principle. Nevertheless, the puritans by their stubborn assertion of their own freedom did good of which they were unaware. The long parliament by abolishing the court of high commission and restraining the powers of the other ecclesiastical courts shattered the machinery of intolerance. As private judgment in religious leads to differences of belief, the victorious parties could never organize an effective tyranny in place of that which they overthrew, and the weaker men were led inevitably to proclaim the right of spiritual freedom. First among English sovereigns Cromwell allowed different forms of public worship. Thereafter the best minds accepted the principle of toleration, at least for all forms of protestantism, which was embodied in the famous statute of William III.

APPENDIX.

ON AUTHORITIES.

Original State Papers.—There built is much greater in the seven-teenth century than in the sixteenth. The *Domestic State Papers* have been calendared for the whole of this period, four volumes of calendars for James I., twenty-two volumes for Charles I., thirteen volumes for the Commonwealth. The calendars of *Treasury Papers* are complete, and a new calendar of *Treasury Books* is in progress. The *Calendar of the Proceedings of the Committee for Compounding*, and the *Calendar of the Proceedings of the Committee for the Advancement of Money*, 1640-45, are also important. The *State Papers Relating to Ireland* have been calendared from 1603 to 1616. The *Colonial State Papers for America and the West Indies* have been calendared for the whole period, the *Papers Relating to the East Indies*, etc., as far as 1636. The *State Papers Relating to Foreign Affairs* are not yet calendared. Much is to be gathered from the *Calendar of Papers in the Foreign Archives* relating to English affairs down to 1613, which we owe to Mr. H. E. Brown. As warlike in the seventeenth century on warring offices frequently carried away their official papers, a large proportion of the national archives became private property. Many of these documents are now to be found in the great MSS. collections in the British Museum, the Cottonian, the Sloane, the Harleian, the Lansdowne, and the Stowe Collections and among the Additional MSS. so-called. The calendar MSS. remain as a rule in private hands. Their nature and value are set forth in the numerous *Reports of the Historical MSS. Commission*.

Printed Collections of Original Papers.—Among the more important are the *Warranted Memorials* (three volumes, 1725); the *Salem Papers*, edited by A. Collins (two volumes, 1748); the *Salem Papers*, edited by R. W. Hoopes, 1815; the *Stowford Letters and Dispatches*, edited by W. Kneller (two volumes, 1735); the *Colonial Papers*, edited by T. Clute (two volumes, 1755); the *Colonial State Papers* (three volumes, 1768-80); the *American Papers*, edited by E. R. Gifford for

AND the Camden Society; the *Nicholas Correspondence* (five volumes, 1883, edited by G. F. Warner for the Camden Society; and, most valuable of all, the *Florida Papers*, edited by T. Smith, seven volumes, 1721) a main source of our knowledge of the commonwealth and puritanism. The most recent of these collections is the *Clark Papers*, edited by C. H. Firth for the Royal Historical Society (five volumes, 1891-1901), and relating chiefly to the army and political action during the civil wars and under the commonwealth.

Parliament and Parliamentary Proceedings.—The chief original authorities are the *Journals of the House of Lords* and the *Journals of the House of Commons*, which become much fuller in this period. These show the whole course of the business transacted, although giving scanty notices, where they give any, of what individuals said. They also contain, especially the *Lords' Journals*, many important letters and papers. Although the rule of secrecy was enforced during most of this period and the taking of notes in the house might be treated as an offence, such notes were frequently taken. In the house of commons we have *Notes of Debates in the Year 1611*, edited by E. E. Girdlestone for the Camden Society, 1881; *Report of Debates and Proceedings in the Parliament of 1621*, first edited by T. Tyrwhitt (two volumes, 1788); *Notes of Debates in the Year 1625*, also edited by Girdlestone for the Camden Society, 1874; Sir Robert Vauxhall's *Notes of Proceedings in the Long Parliament*, edited by John Bruce for the Camden Society, 1843; the notes of parliamentary proceedings with the protestations in *Burton's Diary*, edited by J. T. East (four volumes, 1861, etc.), and other material of this sort still in MS., especially the *Diary of D'Eyncourt*. For the house of lords we have *Notes of the Debates in 1611* and in 1614 and 1626 by Henry Euston, clerk of the parliament, 1621, edited by E. E. Girdlestone for the Camden Society, 1870 and 1879. The long parliament for a time allowed its proceedings to be published, and advantage was taken of this permission by a certain W. Cook in his *Diurnal Occurrences and Speeches and Passages of this great and happy Parliament*, 1641. The *Old Parliamentary History*, so-called (twenty-four volumes, 1751-61), published without the name of any editor, goes down to the revolution, and the bulk of it relates to this period. It repeats many orders, resolutions, letters, etc. The *Parliamentary History of England* (thirty-six volumes, 1801-60), nominally edited by W. Cobbett, covering a much larger space, is less full for this period, but still useful. These compilations contain many errors of detail.

Acts of parliament in the proper sense are to be found in the *Statute at Large*. But the numerous enactments of the years

1541-52 will not be found there, since by lack of the royal assent they were not statutes in the legal acceptation of the term. These must be sought in *A Collection of all Public Orders, Ordinances, etc.*, published by E. Rastell, printer to the parliament, in 1561, and in *A Collection of Acts and Ordinances, 1541*, by W. Brouncker, at one time clerk to the house of commons. Rastell also published the contemporaneous papers exchanged between the parliament and the king between December, 1541, and March, 1542, under the title *An Exact Collection of all Declarations, Remonstrances, Ordinances, etc.*

Contemporary Historians.—Carleton's *History of the Rebellion and Civil Wars in England* is our best example of history written by a distinguished actor in the events which he records. It has long been known that this work, however valuable, is to be used with extreme caution. Many things of importance are omitted and relations and conditions obscured. The grounds of the *History* and its relation to the *Life of Cromwell*, by himself, have been fully traced for the first time by Professor Firth in three articles contributed to the *English Historical Review* for 1904. He has shown that its defects are chiefly due to the times at which and the conditions under which it was written and imply no peculiar disregard of truth on the author, although a strong party bias is indispensible. The admirable edition by W. D. Macray (six volumes, Oxford, 1882) affords the only trustworthy text, and illustrates the general conclusions reached by Professor Firth.

Bartholomew Wrynton's *Memoirs of English Affairs* covers the years 1545 to 1570. The first full edition was published in 1733 and the references in the present volume are to its pages. A new edition, a more reprint, in four volumes, appeared in 1833. The work is in form a diary. In substance it is made up of two elements. First, notices of events in which Wrynton bore a part or of which he had first-hand knowledge, and these are numerous and important, since Wrynton was more or less in the centre of affairs from the meeting of the long parliament to the restoration. Secondly, a compilation of news and gossip of all kinds, derived from contemporary newspapers, pamphlets, etc., useful and illustrative in many respects, but of less authority. Wrynton was not a fervent partisan either in politics or in religion, but his extreme caution may sometimes have led him to suppress or distort matters of consequence. T. Herbert's *Autograph, also History of the Causes of the Civil Wars of England* (first edition by F. Tizard, 1816) is the work of a very naive, although partial writer. Thomas More, *History of the Long Parliament* (first edition, that of 1651), after a brief notice of events since the death of Elizabeth, records more fully what occurred from the meeting of the

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APP. long parliament down to the first battle of Newbury. It is then a fragment and largely concerned with military matters. It was written by the desire of the parliament and with an inevitable bias, but in a moderate tone. *Joan Vassier, England's Parliamentary Chronicle in three parts*—I. *Johanna Jack, II. God's Ark, III. The Burning Bush*—1644-46, is useful chiefly for military history and as exhibiting the mood of a typical peasant states at first hand. *JOURNAL BRITAIN, Anglo-British, 1643*, is a narrative of the achievements of the new model under Puritan down to the end of the first civil war. The author was Fairfax's chaplain and has made us of considerable value. *J. RUSSELL'S, Historical Collections* (eight volumes, 1659-64), is not so much a history as the strict records as a assemblage of speeches, state papers, pamphlets, and even newspapers loosely strung upon a thread of narrative. Hence its value. Rushworth, a barrister who filled different official positions, had the means of accurate knowledge, and his reproduction of documents may generally be trusted, although he was himself for the parliament against the king. *J. RUSSELL'S, the Select Collection of the Great Affairs of State, 1639-49* (two volumes, 1650), is a work somewhat similar in character, but containing many documents not found in Rushworth.

Contemporary Lives.—*L. HAMMON'S Life of Lord* (*Cyprianus Anglicus*), 1664, is valuable as written by one who had exceptional means of information, and obtained his facts without error. It also affords many glimpses of ordinary clerical feeling at that time. *The Duchess or Marquess's Life of her husband, the Duke of Newcastle, previously Earl and Marquis of Newcastle*, (first edition by C. H. Firth, 1866), gives no political and not much military information, but is an interesting picture of a great nobleman. *Mrs. HERRINGTON'S Memoirs of the Life of Colonel Hutchinson* (first edition by C. H. Firth, two volumes, 1815) is famous as a portrait of the ideal puritan gentleman. The book illustrates the local character of the civil war, the manner in which it divided each neighbourhood, and the conditions under which it was waged. As orthodox republicans the Hutchinsons were unable to do justice to men of other parties, and Mrs. Hutchinson was further biased by conjugal love. *G. WILKINSON'S Death of Montrose* (first edition by A. D. Mackloch and H. F. M. Simpson, 1845) is a principal authority for Montrose's career. *The Life of Cromwell*; *H. DENHAM, Affinity and Policy revealed in the Life of Oliver Cromwell, 1654*; *E. CANNINGHAM, History of the Life and Death of Oliver Cromwell, 1654*; *H. FURNHAM, The Royalist Politician, 1640*; and *J. HARRIS, Regicide, or the Life and Death, Birth and Burial of Oliver Crom-*

1666, 1669, are all in different ways and degrees unsatisfactory. T. Gassner's *Life of Mind*, 1891, is valuable for its account of the events leading to the restoration. It should be compared with J. Fearn's *History and Method of His Majesty's Happy Restoration*, 1686, and with L. Goussier's *Life of Mind*, 1703.

Thomas Browne's *Miscellanea of England*, 1686, Anthony Wogan's *Adverse Placards* (best edition by P. Elton, four volumes, 1815-16), John Astor's *Brief Lives of Edward Allen* (best edition by A. Clark, two volumes, 1898), contain much miscellaneous information about notable persons in this period.

Autobiographies, Memoirs, Diaries, etc.—*The Life of Lord Richard of Chichester*, written by himself (best edition by Sidney L. Lee, 1888), illustrates the thousand manners of the nobility as well as the methods of diplomacy and the habits of diplomats. *The Autobiography of Sir Samuel d'Arce*, which ends unfortunately in 1636, edited by J. O. Halliwell (two volumes, 1843), gives the record of a puritan country gentleman, somewhat narrow in his views, but studious, a learned antiquary and full of interest in politics. *Leicester's Memoirs* (best edition by C. H. Firth, two volumes, 1892; the references in the present volume are to its pages) are of the greatest value for the years 1642-46. They afford much information about the civil war in the north of England, about the conquest of Ireland, and about the interval between Oliver's death and the restoration. Ludlow is the very type of the indolent cavalier, brave and honest, although *disreputable* and *short-sighted*. *The Diary of Sir Henry Shapley*, edited by D. Foscoe, 1896, short and arid, gives a glimpse of the island way of thinking of the ordinary cavalier square. *The Memoirs of Captain Bridges*, edited by H. Thomas, 1888, afford a companion picture of what Carlyle calls "an honest-hearted, pudding-headed Yorkshire person."

The Autobiography of Sir John Bromwich, edited for the Camden Society by Lord Napier, 1822, is of some use for this period, although more useful for the period following the restoration. More or less unbiographical are *the Memoirs of Daniel Lord Mordaunt* (reprinted in the *Monarch's Treaty*), illustrating the temper and policy of the Presbyterian party in the long parliament, and *the Short Memoirs of Aubrey* (also reprinted in the *Monarch's Treaty*), dealing with his own part in the civil war, and the events following down to the restoration of Charles I. *The Memoirs of Sir John Berkeley* (reprinted in the *Monarch's Treaty*), *John Ashmole's Narrative* of his attendance on Charles I., edited by his descendant, 1890, and Sir Thomas Hoby's *Memoirs*, afford materials for a life of Charles I. See also *Charles*

APP. *I. In 1846, Letters of King Charles the First to Queen Elizabeth Murray*, edited by J. Bruce for the Canadian Society, 1846, and *Letters of Queen Mary to Marie*, edited by Mrs. Everett Green, 1852.

Clarendon's Life, by himself (first edition, two volumes, Oxford, 1657), was largely used by the author in composing his history, but there remains a few passages of historical interest. *Burton's Genealogical History*, 1680, and *Clarendon Peck's Journal*, 1684, are general encyclopedias, and as such discuss certain aspects of postwar. *Brooks's Diary* (first edition by H. D. Whistler, first volume, 1905, and by Francis Johnson, three volumes, 1906), holds the picture of an accomplished gentleman gives some information of the condition of the republic and English party under the commonwealth and protectorate. *Appl's Diary* (first edition by H. D. Whistler, ten volumes, 1849-56) contains many particulars about the time immediately preceding the restoration.

Biographies of more recent date containing a large proportion of original matter—

J. BACON'S *Letters and Life of Lord Bacon* (seven volumes, 1858-74) is most valuable in collecting all that remains of Bacon's writings and speeches on political subjects. The biographical part, limited and careful, manifests an inability to see any fault in Bacon or in James I.

T. D. WATKINS, *Life and Original Correspondence of Sir George Radcliffe*, 1880, is valuable as well on other grounds as for what it tells about Bedford.

Carlyle's Letters and Speeches of Oliver Cromwell is at once a collection of original documents and a biography distinguished by Carlyle's deep sympathy with parliament and with Cromwell, but suffers from his imperfect knowledge of the period and his constant endeavor to wring a moral out of the facts. The latest edition by Mrs. Lorton (three volumes, 1904) adds everything that can be traced in the way of letters or speeches, and an introduction by Professor Firth shows to what extent Carlyle may be treated as a biographer.

Pamphlets and Broadsheets—In this period newspapers were small, and were chiefly what their name implies: means of circulating the news of the day. Serious discussion of current topics was mostly carried on by pamphlets. These multiplied after the suppression of the Star Chamber, and it is said that 25,000 were published between 1640 and 1660. The Thomason collection in the British Museum contains some 25,000. Pepys is said to have written 250 tracts and libels 1640. Various collections have been printed from time to time, such as the *Pilgrims* (two volumes, 1707), the *Bedford*

Ninth Days, edited by T. Pate (two volumes, 1802-13), and the *Seven Years Tracts*, edited by Sir Walter Scott (fourteen volumes, 1803-13), in which pamphlets of this period may be found. The *Solar Tracts Relating to the Civil Wars*, edited by F. Mason (two volumes, 1813), are not for the most part pamphlets in our sense, but short autobiographies, &c. Of the immense pamphlet literature, the only writings that remain well known are Milton's, but their influence at the time may easily be overstated.

Newspapers were multiplied after the meeting of the long parliament, and still more after the outbreak of the civil war. About 170 were set on foot between 1642 and 1649 (see list given by Nichols, *Literary Anecdotes*, iv., 33 *et seq.*), but many had a brief career. Among the most notable were *Mercure Annu*, and its successor *Mercure Annuaire*, regular organs, edited by P. Heylyn above-mentioned and John Bulstrode; *Mercure Britannicus*, *Mercure Protestant* and *Mercure Politique*, all edited by Marchmont Nedham, the first taking the side of the parliament, the second that of the king, and the third an official paper of the commonwealth; the *Moderate Intelligencer*, an organ of the independents, and the *Moderator*, an organ of the levelers. After the establishment of the commonwealth the freedom of the press was curtailed and newspapers dwindled, and under the protection only two official journals survived. See A. AINSWORTH, *History of British Journalism* (two volumes, 1835), and H. R. Fox BOURNE, *English Newspapers* (two volumes, 1847).

Foreign Affairs.—In the original authentic information on foreign affairs is for the most part mixed with other matter. Some diplomatsists (see above) have left accounts of their own missions, and in a few cases their letters have been printed, e.g., Sir DANIEL CRAWFORD'S *Letters*, published 1733, Sir HENRY WORMER'S *Letters and Despatches*, published 1749, &c. BALSACON WORMWOOD'S *Journal of the Swedish Embassy*, edited by H. KROON (two volumes, 1755), gives much information about the methods of diplomacy, the courtesies rendered by diplomatsists, and the habits of Balsac de Wormwood. Treaties are given in DUPONT'S *Cours Universel de Diplomatie*, 1748-51. Among modern writers RUSKIN and GARDINER have done most in this department. Sir J. E. SEAMER'S *Growth of British Policy* (two volumes, 1883) is able and interesting, although not founded on extensive knowledge nor always accurate.

Naval History.—*The Voyage to Cadix in 1704*, ed. by Dr. GOSSET for the Camden Society, and *Letters and Papers Relating to the Nine Years' War*, edited for the Navy Records Society by J. E. GARDINER and C. T. ATKINSON (three volumes published, 1891, &c.).

APP. Among modern books M. CROCIERIE'S *History of the Administration of the Royal Navy*, vol. I, is extremely useful. So W. L. LINGG (CROCIERIE) *History of the Royal Navy*, vol. II, 1802-1814, is the fullest ground work on the subject. Professor LINGGROVE'S lives of distinguished seamen in the *Dictionary of National Biography* are valuable.

Military History.—In the original authentic history, history is often mixed with other topics. KENNEDY'S *History of the Marquis of the Royal Army*, edited by C. E. Long for the Camden Society; *Hynd's Narrative of His Campaign in the West*, edited by C. E. H. Clendrych-Hall, for the Somerset Record Society, 1902, and the *Memorials of the Great Civil War*, edited by H. Cary (two volumes, 1842), are useful. So also is the *Narrative of General Finckle* and other papers relating to the Jamaica expedition of 1655, edited by C. H. Firth for the Camden Society, 1902. Something may be got from the *Charles Papers*, although these are chiefly concerned with politics. Among modern books C. H. Firth's *Cromwell's Army*, 1902, at once affords a large store of information and makes an excellent introduction to the military literature of the seventeenth century, which is considerable. See also his papers in the *Transactions of the Royal Historical Society*:—"The Raising of the Ironsides," N.S., xii. (1898); "The Later History of the Ironsides," N.S., xv. (1901); "The Royalist and Cromwellian Armies in Flanders," N.S., xvi. (1902); "Marston Moor," N.S., xvi. (1898); "The Battle of Dunbar," N.S., xvi. (1902). F. GOSSE, *Military Antiquary*; Sir S. SCOTT, *The British Army*; J. W. FORTESCUE, *History of the British Army*; and Colonel BALFOUR, *Cromwell as a Soldier*, 1899, may be consulted with advantage. See also W. B. DAVENANT, *Lives and Letters of the Davenants, Earl of Essex* (two volumes, 1851); C. MARSHAM, *Life of the Great Lord Fairfax*, 1870; and E. DILL, *The Fairfax Correspondence* (two volumes, 1849). E. WALLINGTON'S *Memoirs of Prince Rupert and the Cavaliers* (three volumes, 1849) owe all their value to the original documents which they contain.

Church History.—Of the older Church histories the most important are THOMAS FULLER'S *Church History of Britain* (first edition by J. S. Brewer, six volumes, 1849), and JAMES COLLIER'S *Reformation History of Great Britain* (first edition by T. Lathbury, nine volumes, 1812). The best modern work is the *History of the English Church* (six volumes), edited by W. Hunt and W. J. W. Shepherson. The volume dealing with the reigns of Elizabeth and James I. is by W. H. PATE, 1903, that dealing with the later Stuart reigns by W. H. STUBBS, 1904. The point of view is decidedly Anglican. See

also *The Life of Laud*, by W. H. Harrison, 1899. W. A. Rigg's *English Church during the Civil War and under the Commonwealth* (two volumes, 1904) is a most important and useful work. See also, by the same writer, *Minister of the Manchester Presbyterian Church*, edited for the Christian Society, 1892-93, and *Minister of the Committee for the Relief of Plundered Ministers, etc., Relating to Episcopalian and Clerical*, edited for the Literature and Christian Record Society (two volumes, 1893-95). The Library of Anglo-Catholic Theology (eighty-one volumes, 1843-64) contains the works of all the most noteworthy divines of the Anglican school, among which Laud's Works (six volumes) are the most important for general history.

Hutton's *Life of Laud*, J. Hargrave's *Life of Williams*, Isaac Wallace's *Life of George Herbert*, 1870, are all instructive. See also JOHN WALLACE'S *Sufferings of the Clergy in the Great Rebellion*, 1914.

For the period see D. RUSSELL'S *History of the Puritans* (four volumes, 1795-97), R. BARNES'S *Remains*, 1896, *The Minutes of the Westminster Assembly*, edited by A. Mitchell and J. Burness, 1874, are useful. Robert Baill's *Letters and Journals*, edited by D. Laing (three volumes, Edinburgh, 1842), are concerned mainly with Scottish affairs, but they are a principal authority for the relations between the English and the Scottish puritans, and for the influence which the Scots exercised upon English history under Charles I. and subsequently.

Modern Historians.—E. B. GARDINER'S *History of England*, 1893-95 (ten volumes); *History of the Great Civil War* (four volumes), and *History of the Commonwealth and Protectorate* (four volumes) cover the period from 1643 to 1660. They are of the highest value. Gardiner may be termed the greatest of English historical investigators. His industry, his skill in sifting evidence, his constant endeavour to find the truth and do justice to all historical personages are alike admirable. He was the first to perform that work of research without which the history of the period could not be put upon a sound basis, and he has thus rendered obsolete all previous histories. He has done epoch-making work in elucidating English foreign relations, and the growth of political ideas during the first half of the seventeenth century—Great defects of style and arrangement will always repel the general reader from these monumental works. Gardiner's judgments upon individuals are sometimes difficult to accept.

L. von ROSTK'S *England Geschichte* (seven volumes, 1899-1905) (English translation, edited by C. W. Jones and G. W. Kitchen, six volumes, 1903, etc.) affords, next to Gardiner's works, the most elaborate account of this period. Rostk's knowledge of international

APP. religious was commonplace, and his treatment of English foreign policy is therefore highly insensitive. As a foreigner he did not share the party feelings, political or religious, of Englishmen, and his treatment of internal history is therefore impartial. For the same reason much is an object of learned research to him which is alien to an English historian.

Professor Murray's *Life of Milton*, narrated in connexion with the history of his time (six volumes, 1873-82), is as much a history of England as a life of the poet, and is a work of much labour and knowledge, particularly valuable for the events of those years when Milton was a servant of the state. It exhibits a strong partisan tinge. F. A. Ingemann's *The Interregnum*, 1892, is valuable for the history of law and institutions between 1649 and 1660.

Hallam's *Constitutional History of England* will remain valuable for the seventeenth century, although his over-theoretical temperament and his Whig cast of thought hindered his full comprehension of the ecclesiastical and political conflicts of that time. The best general analysis of that system of government which the Scots inherited from the Tudors is to be found in the introduction to G. W. Paterson's *Scottish Statute and other Constitutional Documents Illustrative of the Rights of Scotland and Great B.*, third edition, 1906. See also Miss C. L. A. Scott's *A Study of the Court of Star Chamber* (published by the Chicago University Press, 1904), and Miss C. A. J. Scott's learned monograph, *The Crown in the Marches of Wales*, 1904.

The best history of the English colonies in the new world during this period is J. A. Dorsey's *History of the English in America* (five volumes, 1884-1907), and the fullest account of the English in India is given in Hearn's *History of British India* (two volumes, 1899-1900). For the economic history of the period Trevelyan's *Normal History of Agriculture and Prices* (six volumes, 1862-87), and W. Cunningham's *Growth of English Industry and Commerce in Modern Times*, 1902, are the principal works of reference.

J. H. Bruce's *History of Scotland* (eight volumes, 1873) still retains its place as a standard work, but the more recent histories by P. Hume Brown (two volumes, 1899-1902) and by A. Laing (four volumes, 1900-7) must be read also. Each of these valuable works displays a different bias, so that they cover each other. See too C. H. Firth's *Scotland under the Cromwellians* and *Scotland under the Jacobites*, both published by the Scottish Historical Society, and C. S. Tansy's *Life and Campaigns of Alexander Leslie*, 1899, and *Cromwellian Union of Scotland with England*, published for the Scottish Historical Society, 1901.

Ireland—(1) addition to the authorities already quoted, Sir J. TAYLOR, *A History of the State of Ireland*, 1822; V. GOUGH, *The Great Cause of Transplantation in Ireland Discussed*, etc., 1835; Sir W. PATER's *Political History of Ireland*, 1821; the *Downey Papers*, edited by A. GOUGH (two volumes, 1830-31); T. CARTER, *History of the Life of James, Duke of Ormonde* (three volumes, 1738); J. T. GILKIN, *Aphorismal Discovery of Parnassus's Politics, or A Contemporary History of Affairs in Ireland*, 1841-52 (six parts, 1845-50), and *History of the Irish Conspiracies*, etc. (seven volumes, 1810-21), are noteworthy. Among modern books may be noted G. HALL's *Rhetorical Account of the Plantation in Ulster*, Belfast, 1837; Miss M. HARRISON, *Ireland in the Seventeenth Century* (two volumes, 1882); Mrs. TREVISEN, *Life and Letters of the Great Earl of Cork*, 1904. G. LITTLE TALKER'S *Illustrations of Irish History and Topography*, 1904; Lord FITZMAURICE'S *Life of Sir William Polk*, 1892; J. P. FURZESBART'S *Constitutional Settlement*, second edition, 1892, are all useful, but there is no general history of Ireland in the seventeenth century adequate at once in scale and in research.

Modern Biography.—Among these may be noted W. SCOTT, *Life of Sir Walter Raleigh*, second edition, 1892; M. A. S. HUME, *Life of Sir Walter Raleigh*, 1893; J. FORTESCUE, *Life of Sir John Eliot* (two volumes, 1864); S. R. GARDNER, *Oliver Cromwell*, 1899; C. H. FRYER, *Oliver Cromwell and the Rule of the Puritans in England*, 1900; Sir F. PALMER, *Oliver Cromwell, the Protector*, 1892. The lives of persons of note in this period contained by GARDNER and FRYER in the *Dictionary of National Biography* are especially useful both on their own account and for the bibliographies annexed.

The Members of the Verney Family, edited by F. F. and M. M. Ladies Verney (four volumes, 1892-94), enables us to follow in detail the life of a leading country family for many years of this period, and incidentally shed much light on political, social and economic history.

Political Theory.—(The Works of King James I., 1616); MILTON'S political pamphlets generally; J. HARRINGTON'S *Oceanus*, 1651; R. FALCON'S *Observations Concerning the Original of Government*, 1689, and his *Paradoxe* (not published until 1816); the treatises of T. HOBBS, *De Cive*, 1642, and *Leviathan*, 1651, should be studied. A good sketch of the political speculation of this time will be found in W. A. DUNN, *A History of Political Theories from Luther to Montesquieu*, 1907.



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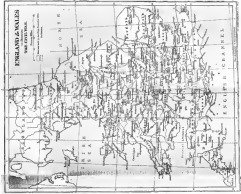
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RAILWAYS OF ENGLAND AND WALES

IRELAND

TO SHOW
THE PROPOSITION OF THE
CANTON OF CHONGWAI
JANUARY 1900

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ATLANTIC OCEAN